

### **3.0 RESPONSE TO COMMENTS ON THE CUSHENBURY MINE EXPANSION DRAFT EIR**

The comments on the Cushenbury Mine Expansion Draft EIR (State Clearinghouse No. 2001101044) and the individual responses to each comment are included in this section. The primary objective and purpose of the EIR public review process is to obtain comments on the adequacy of the analysis of environmental impacts, the mitigation measures presented, and other analyses contained in the report. The California Environmental Quality Act (CEQA) requires that the County of San Bernardino respond to all significant environmental issues raised (CEQA Guidelines Section 15088). Comments that do not directly relate to the analysis in this document (i.e., are outside the scope of this document) are not given specific responses. However, all comments are included in this section so that the decision-makers know the opinions of the commentors.

In the process of responding to the comments, minor revisions to the Draft EIR have been made. None of the changes to the Draft EIR is considered to be significant new information (*CEQA Guidelines* Section 15088.5 [a]).

Comment letters are arranged by category, with public agencies listed first, followed by comment letters received by organizations, and then individuals. Aside from the courtesy statements, introductions, and closings, individual comments within the body of each letter have been identified and assigned an alpha-numeric identifier. The first digit in the identifier for all public agency comment letters will be "A"; for comment letters from organizations, "B"; and for comment letters from individuals, "C." The number following the first digit will indicate the individual comment letter within the category, while the digit(s) following the hyphen will identify the specific comment within each letter. For example, the comment identified as A9-10, will correspond to the tenth comment, in the ninth public agency letter received.

Copies of each comment letter are included in the Final EIR. Brackets delineating the individual comments and the alpha-numeric identifier have been added to the right margin of each letter. Following each comment letter is (are) the page(s) of responses to each individual comment.

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**Letter A1 (2 pages)**

**Letter A1 (2 pages)**

## **RESPONSE TO LETTER A1**

### **Governor's Office of Planning and Research**

**Response to Comment A1-1:** This letter identified the State agencies that provided comments on the Draft EIR. No project-specific comment on the adequacy of the Draft EIR was made. The County appreciates the involvement of the State Clearinghouse, Governor's Office of Planning and Research's collection of the comments submitted by State agencies.

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**Letter A2 (1 page)**

## RESPONSE TO LETTER A2

### California Department of Transportation

**Response to Comment A2-1:** As described in Section 2.3 of the Draft Environmental Impact Report, the proposed project will not change traffic on public roads. Accordingly, a traffic impact study is not needed to determine the impacts of the proposed project on traffic. CEQA requires that a DEIR discuss a range of reasonable alternatives which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines Section 15126.6(a)). The DEIR discusses alternatives in Section 6.0. The DEIR discusses traffic impacts which would result from each of the project alternatives, including estimates of the number of daily round trip truck trips and the length of those trips. The discussion of alternatives should include sufficient information in order to be able to make comparisons with the proposed project, but alternatives need not be discussed in the same level of detail as the proposed project (CEQA Guidelines Section 15126.6(d)). A more detailed traffic impact study is not required for the alternatives in this case because there is no traffic impact study for the proposed project, and so performing such a study for the alternatives would not aid in comparing the alternatives to the proposed project.



**Letter A3 (2 pages)**

**Letter A3 (2 pages)**

## RESPONSE TO LETTER A3

### California Department of Toxic Substance Control

**Response to Comment A3-1:** As indicated in the Initial Study (Appendix A), the project is expected to have no impact in the following areas:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous waste....
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment....
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school...
- d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would ... create a significant hazard to the public or the environment....

The Initial Study presents substantiation for these conclusions. In addition, the proposed project is not expected to result in any release into the environment of hazardous materials or wastes due to past spills or releases, or the presence of contamination.

Unlike mining practices for metals and some industrial minerals, limestone mining does not involve the use of hazardous chemicals. In addition, limestone mining does not present the risk of acid mine drainage. As described in the Section 4.2.5 (Impact 4.2.5.2) of the Draft EIR, the chemical characteristics of overburden, waste rock and limestone materials such as those involved in the proposed project indicate that they are non-toxic and environmentally benign, having no constituents that would lead to the contamination of surface or groundwater resources. As stated in the Initial Study, the risk of past or future spills or contamination associated with limestone mining in the project area is limited to fuels and lubricants. The potential impacts to groundwater quality associated with the use of fuels and lubricants, and appropriate mitigation measures, are discussed in Section 4.2.5 (Impact 4.2.5.2) of the DEIR.

The proposed project includes the deepening of the existing East Pit and the opening of the new West Pit. Due to the ongoing removal of limestone, there is no soil contamination in the existing East Pit. Although there is a history of mining along the northern face of the San Bernardino Mountains, there has been no prior mining in the area of the proposed West Pit. There was an historic silver mine in Cushenbury Canyon; however, it was located in what is now the East Pit, and the area of the silver mine has been completely removed through mining. The historic mine was located approximately 150 feet above the current floor of the East Pit. There are no remnants of that historic site such as tunnels or waste and there is no evidence that any material processing occurred there.

Analysis of samples from existing groundwater monitoring wells demonstrates that there are no hazardous substances or hazardous wastes present in the groundwater as a result of past or present mining activities. Groundwater monitoring results are submitted regularly to the Regional Water Quality Control Board, and have been included in the Final EIR as Appendix I. This Appendix includes quarterly reports for MCC monitoring wells numbers 1 through 3 from 1996 to as recent as the fourth quarter of 2003. California drinking water limits, known as Maximum Contaminant Levels are included in this Appendix to provide a frame of reference for the quality of the water found in

those wells. This information is the same data that has been regularly submitted to the Regional Water Quality Control Board.

In the unlikely event that contamination is discovered during excavation for the proposed West Pit, or that a spill or release occurs during the life of the project, existing laws and regulations will dictate the response activities required. The Department of Toxic Substances Control, together with other Federal, State, and local agencies, administer a comprehensive set of laws and regulations that has been developed to protect public health and the environment from accidental spills and releases. Compliance with these programs, as in effect at the time, will ensure that there will be no significant adverse impact in the event of a spill or release associated with project operations.

The proposed project will not result in any significant adverse impacts due to past or future spills or releases.

Letter A4 (1 page)

## **RESPONSE TO LETTER A4**

### **San Bernardino County Department of Public Works**

**Response to Comment A4-1:** The County Department of Public Works had no comment on the Draft EIR. The County would like to thank the Public Works Department for taking the time to review the DEIR.

**Letter A5 (1 page)**

## **RESPONSE TO LETTER A5**

### **Southern California Association of Governments**

**Response to Comment A5-1:** The letter informed the County that the Draft EIR for the project cited Southern California Association of Governments policies and sufficiently addressed the proposed project's consistency with applicable SCAG policies and applicable regional plans. The County would like to thank the Southern California Association of Governments for taking the time to review the DEIR and provide comment.



**Letter A6 (2 pages)**

**Letter A6 (2 pages)**

## RESPONSE TO LETTER A6

### Jubilee Mutual Water Company

**Response to Comment A6-1:** This comment refers to “Section VIII of the report” and describes that a box was checked indicating that there could be a potentially significant impact with respect to groundwater depletion. This document is an Initial Study Environmental Checklist Form distributed on October 4, 2001, by the County with its Notice of Preparation of the EIR. The Initial Study Environmental Checklist form was included in its entirety in Appendix A of the Draft EIR.

The Initial Study is used early in project consideration to decide if an EIR is necessary. Because the County determined that there were some potentially significant environmental impacts for this project, an EIR for this project application was warranted. This Initial Study is supplied in the DEIR as reference only and does not reflect the current level of analysis of those potential impacts. Each of the areas identified as potentially significant was subsequently analyzed in the DEIR. As such, Section 4.2 on Hydrology and the Hydrogeologic Report (Appendix C of the EIR) supercede the Initial Study Form.

Potential impacts to local groundwater quality were assessed in Section 4.2.5.3 of the Draft EIR. To mitigate for potential groundwater quality impacts, the Draft EIR requires the project proponent to initiate a Groundwater Monitoring Program prior to the proposed mine expansion. As set forth in **Mitigation Measure HYD-1**, groundwater conditions will be measured, analyzed, and reported annually. Section 4.2 of the DEIR discloses the potential impacts on groundwater from mining activities, which include the use of explosives as well as removal of rock. Section 4.2 also, requires mitigation for this potential, and concludes that the impact after mitigation would be less than significant. Mitigation for these impacts includes establishing additional monitoring wells and maintaining a minimum separation between the quarry floor and the groundwater table as determined through the monitoring program. The annual report required by **Mitigation Measures HYD-1**, which will measure groundwater levels and groundwater quality, will be submitted to the County Geologist for review. These reports will be publicly available, including to the Jubilee Mutual Water Company.

**Response to Comment A6-2:** As stated in the Draft EIR, the quality of local groundwater is, “...good to excellent.” Data from monitoring and supply wells date from 1992 and 1989, respectively. The Draft EIR includes 1) mitigation establishing a groundwater monitoring and reporting program, 2) prohibitions against mining activities within 25 feet of monitored groundwater levels, and 3) adherence to local, State, and Federal regulations related to the use, transport, storage, or disposal of hazardous materials. The County understands that MCC has provided groundwater monitoring data to the Jubilee Mutual Water Company and has offered to continue to provide copies of test results and cooperate with the Company on additional testing, if necessary.

**Response to Comment A6-3:** The County is interested in reviewing reports that may be forthcoming from the Este Sub Basin Advisory Committee and appreciates Jubilee Mutual Water Company’s comments in this regard.

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**Letter A7 (2 pages)**

**Letter A7 (2 pages)**

## RESPONSE TO LETTER A7

### California Department of Fish and Game

**Response to Comment A7-1:** Mining has been conducted at the site since 1947 and direct losses of bighorn sheep are not known to have occurred. Losses at other locations are likely to have a variety of causes that may not be comparable or relevant at this location. In any event, the pre-blasting inspections required for Mine Safety And Health Administration (MSHA) and Occupational Safety and Health Administration (OSHA) will include inspection of the blast area for bighorn sheep and deer as well as people.

**Mitigation Measure BIO-9** will be revised to include, in the employee education program, a reminder to inspect blast areas for bighorn sheep and mule deer as well as humans. This measure shall read:

**BIO-9.** The project proponent shall not bring donkeys or domestic sheep onto the proposed project site or adjacent lands under its control. The project proponent shall not authorize others to bring donkeys or domestic sheep onto such lands. Training for mine employees shall include instructions to report observations of domestic animals to the environmental manager. Upon receiving any such reports, the environmental manager shall contact the appropriate authorities for removal.

Prior to blasting activities within the project area, mine employees shall conduct a visual inspection of the blast area to ascertain the presence or absence of bighorn sheep, deer, and people. If bighorn sheep, deer, or people are located within the blast area, mine employees shall employ non-harmful measures to remove the sheep, deer, or people from the blast area.

**Response to Comment A7-2:** The Draft EIR includes **Mitigation Measure BIO-12** which encourages mine employees to stay in their vehicles as much as possible, and establishes an employee training program that includes employee orientation, and annual refresher training on the importance of avoiding bighorn sheep. This includes the requirement that all personnel in the quarry must notify the quarry superintendent when any bighorn sheep, mule deer, or domestic livestock are seen. The quarry superintendent shall ensure that all personnel are made aware of any wildlife occurrences and activities will be adjusted to provide for the animal's safety. In the case of domestic livestock, the quarry superintendent will notify the environmental manager who will contact the appropriate authorities for removal of stock animals.

Other mitigation measures included in the Draft EIR provide for forage and water; establish research and monitoring requirements; allow for post-mining access by bighorn sheep to mined areas; and prohibit the spread of domestic animals within the project area. These measures provide an appropriate level of safety to the resident herd of bighorn sheep.

**Response to Comment A7-3:** The observations that mining may be beneficial to local sheep populations were not meant to be strict scientific conclusions based on quantified data, but rather personal observations of experts in the field. Professor Paul Krausman has observed that mines,

particularly the walls and benches within a mined area, can give cover and escape routes that predatory animals are not likely to be able to traverse. The walls and benches in a mine may provide more escape paths than would be found in natural topography.

**Response to Comment A7-4: Mitigation Measures BIO-4 through BIO-13** require extensive consultation and coordination with the California Department of Fish and Game (CDFG) to 1) establish the location of compensatory habitat and water sources, 2) conduct of a literature search and survey related to the identification of beneficial forage species, and 3) fund the monitoring and research of the resident herd.

The County acknowledges the contributions of the CDFG in developing the mitigation measures and appreciates the offer for continued cooperation. The specifics of the mitigation measures and monitoring will be included in the Mitigation Monitoring and Compliance Program, which will be distributed with the Final EIR prior to any hearings for the project.

**Response to Comment A7-5:** The County recognizes the present uncertainty regarding the Department's ongoing monitoring activities, and appreciates the Department's willingness to remain involved and provide input with respect to this project. Monitoring efforts will be coordinated with the Department. To provide flexibility for the Department with respect to the allocation of the monitoring funds, the implementation section of the Mitigation record for **Mitigation Measures BIO-10 and BIO-11** will include the following language:

CDFG may approve alternate allocations of the Funds and/or alternative schedules of payment provided the funds are used to monitor the local herd of bighorn sheep and/or the sheep's utilization of the habitat enhancements as required by **Mitigation Measure BIO-10 [BIO-11]**



**Letter A8 (1 page)**

## RESPONSE TO LETTER A8

### United States Department of Agriculture, Forest Service

**Response to Comment A8-1:** The Draft EIR contains **Mitigation Measure BIO-3**, which provides the project proponent the option of participating in the Carbonate Habitat Management Strategies (CHMS) developed by the Forest Service, Bureau of Land Management, Fish and Wildlife Service and the County of San Bernardino, and mining interests to mitigate impacts to listed “carbonate” plant species. The County acknowledges the participation of the U.S. Forest Service in this process and recognizes that the management strategies were developed to balance the conservation needs of the listed “carbonate” plant species and the development of economical mineral reserves.

**Response to Comment A8-2:** The County recognizes that the U.S. Forest Service encourages the adoption of **Mitigation Measure BIO-3**. This measure allows Mitsubishi to elect to follow **Mitigation Measure BIO-3** (compliance with the CHMS strategies), so long as the County determines that it is “...functionally equivalent” to **Mitigation Measures BIO-1 and BIO 2**.

**Response to Comment A8-3:** The County recognizes that the U.S. Forest Service encourages application of the guidelines and criteria from the CHMS and to use “locally-appropriate” native plant species in reclamation as well as in mitigation of impacts to bighorn sheep under **Mitigation Measures BIO-7 and BIO-8**.

Adoption of **Mitigation Measure BIO-3** allows compliance with the CHMS when implemented. Use of “locally-appropriate” native plant species is proposed in the Reclamation Plan for both pits. Use of any other species will require coordination among the U.S. Forest Service, California Department of Fish and Game, California Department of Conservation, Office of Mine Reclamation, and the County.

**Response to Comment A8-4:** **Mitigation Measure BIO-3** provides for compliance with the CHMS when it is implemented. The County acknowledges that the U.S. Forest Service extends an offer to provide technical assistance in the development of the conditions of approval with regard to the “carbonate” plant species. The offer of assistance is appreciated.

**Letter A9 (6 pages)**

**Letter A9 (6 pages)**

**Letter A9 (6 pages)**

**Letter A9 (6 pages)**

**Letter A9 (6 pages)**

**Letter A9 (6 pages)**



## RESPONSE TO LETTER A9

### California Department of Conservation, Office of Mine Reclamation

**Response to Comment A9-1:** The slope stability analysis discussed in the DEIR concluded that the design of the slopes will be safe. Proposed **Mitigation Measure GEO-1** will require monitoring of the slopes throughout the life of the mine.

**Response to Comment A9-2:** The 5-year period in **Mitigation Measure BIO-2** is meant to express the minimum time expected before detailed evaluation would demonstrate substantial progress toward success. State law requires the Reclamation Plan to be operational until the success criteria are met.

**Response to Comment A9-3:** Non-native species and native cultivars are not proposed to be used in reclamation. Any future changes to the plant species palette would require an amendment of the Reclamation Plan.

**Response to Comment A9-4:** The County recognizes that (SMARA) will apply to the approval of the proposed Reclamation Plan. Comments A9-5 through A9-19 concern SMARA compliance, and are not comments on the environmental analysis in the DEIR. The Responses to comments A9-5 through A9-19 are included here for completeness and convenience of the reader.

**Response to Comment A9-5:** The slope stability analysis concluded that the design slopes were safe. Monitoring of the slopes throughout the life of the mine will be required by **Mitigation Measure GEO-1** and the Mitigation Monitoring and Compliance Program.

The comment is based upon the Failure Surface diagrams in Appendix A to Morhol's April 2001 revision of the June 2000 report, which is included in Appendix B of the Draft EIR. The slopes at issue are listed at a safety factor of 2.24 and 1.94, both greater than 1. Any potential failures (factor of safety 1.0) would occur on MCC property and would not impact adjacent property.

Slope stability is evaluated by failure plane analysis and is expressed in terms of the Factor of Safety (FS) with FS of 1.0 as the acceptable standard. Existing, stable slopes are assumed to have a FS of one, and the rock strength parameters for those existing slopes are used to calibrate the model used in the failure plane analysis. The model does not conclude that slope failure will occur. What the diagrams in the Appendix to the Morhol report in the DEIR show is where and under what conditions the rock *might* fail. The diagrams show that the slopes may fail at FS 2.24 and 1.92, meaning that they are predicted to be *twice* as stable as is necessary for public safety.

**Response to Comment A9-6:** Please see Section 4.2 of the DEIR, which analyzes effects of the proposed project on neighboring springs. In particular, the DEIR identifies the regional occurrence of springs and analyzes the likely impacts. Seeps and springs occur throughout the area at locations of weakness in the underlying rock, fractures, bedding planes, etc. The nearest is Cushenbury Springs, which was evaluated in the DEIR and determined to not be impacted due to its location in a separate groundwater aquifer.

The United States Geological Survey Map shows a spring to the south of the proposed project site above Marble Canyon at Burnt Flat. This spring is at an elevation of approximately 6840 feet and is located approximately 6,000 feet south of the proposed project site. For all practical purposes this distant spring is separated from the MCC quarries by bedrock and is likely at a location where the water in bedrock reaches the surface due to openings in the rock. The MCC quarries are not in direct contact with this groundwater and, consequently, removal of rock from the quarry would not affect flows at such a distant location. The occurrence of water at the surface at the distant spring is controlled by conditions local to that spring and in the contributory watershed located above it. The Hydrogeologic Report, page 21, concludes that there are no observed springs located upgradient from or adjacent to the proposed excavation.

Mining at the site has been conducted since 1947 and no seeps, springs or perched groundwater have been observed. If these features were to develop, they would be noted in the evaluation required in **Mitigation Measure GEO-1** as evidence of “adversely oriented structural places of weakness...” of which they are a consequence rather than an alternative hazard.

**Response to Comment A9-7:** The time necessary for any slope adjustment would be dependent upon the nature and magnitude of the projected instability and would be specified when any such slope condition was predicted. As described in **Mitigation Measure GEO-1**, the County Geologist would have final approval.

**Response to Comment A9-8:** The limestone quarry is excavated into bedrock and consequently is generally not subject to soil erosion. Both cut and fill slopes are predicted to be stable but are expected to be subject to raveling and small (bench) scale failures. This process is expected to continue and will aid in reclamation of the cut slopes. All roads, ramps, and berms in the quarry are also constructed from rock and generally not subject to erosion. Fine soils are not placed in the quarry area and the pits would catch any sediment and not allow them to be transported downstream or off-site.

**Response to Comment A9-9:** Mining at the site has been conducted since 1947 and soil salvage has been implemented on areas of new disturbance since 1976, consequently most of the soil that originally covered the site was not salvaged. Future land clearing will include salvage of soil and plant material, preferably by direct transfer from the point of salvage to benches ready for revegetation, reducing or eliminating the need for separate stockpiles. However, if stockpiling is necessary, rock mulch or seeding with native plant species will be used to protect soil stockpiles from wind and water erosion.

**Response to Comment A9-10:** Mining at the site has been conducted since 1947 and baseline vegetation data has been collected for areas of new disturbance since 1976. Consequently, most of the vegetation that originally covered the existing pit was not inventoried. The vegetative baseline was measured from the area between the existing East Pit and proposed West Pit, and is applied to both.

**Response to Comment A9-11:** The criteria for control of noxious weed control are listed in the CHMS, which is 15 percent. As described in the CHMS, MCC will take steps to control these weeds to ensure the level is below 15 percent.

**Response to Comment A9-12:** The Revegetation Plan was submitted to the County in October 2000. The test plantings were made subsequent to that and therefore could not be included in the revegetation plan. Updated test plot results will be reported in the Operator's Annual Report, as required under SMARA and submitted to the Office of Mine Reclamation. MCC's report is produced every June.

**Response to Comment A9-13:** The species list is provided in Table 1 of the Reclamation Plan (pages 47-48), which includes 39 species of native plants. The success criteria are provided on page 46. Results of the test plots will be used to adjust the details of the planting palette (species and rates) throughout the life of the Reclamation Plan, (35 years). Supplemental plantings will be made until the success criteria are met as stated on page 49.

**Response to Comment A9-14:** The planting methods are identified in the Reclamation Plan (Section 4.12 Seeding, 4.13 Placement of Salvaged Plants and 4.14 Placement of Container Grown Plants) which is included in Appendix H to the DEIR. The methods include planting from seeds collected at or near the site, planting plants salvaged from new mining areas and planting plants grown in a nursery whether started from seed, cuttings or whole plant salvage. Mining at the site has been conducted since 1947 and soil salvage has been implemented on areas of new disturbance since 1976, consequently most of the soil that originally covered the existing (east) pit was not salvaged. Therefore the volume of soil available for reclamation of both pits will have to be predominately salvaged from new mining areas.

Because the existing pit and the proposed pit are approximately the same size, it is expected that there will only be about half the soil volume available as would be desirable. It is believed that using all the volume of soil over the entire mining area would be more beneficial than leaving the east pit without soil and using it entirely in the west pit where it was salvaged. These methods are being tested concurrently with mining and will continue so for at least 35 years, thus allowing for adaptive management adjustments long before "final" reclamation.

**Response to Comment A9-15:** That mechanism and schedule exist. It is the Operator's Annual Report as required by SMARA and identified in the Reclamation Plan in Section 4.18 Reporting of the Reclamation Plan (Appendix H).

**Response to Comment A9-16:** Quantitative performance standards for cover, plant density and species richness are provided per CCR 3705(m) in Section 4.16, Success Criteria (pp. 45-46). Please see Response to Comment A9-9 regarding erosion. See Response to Comment A9-12 regarding weed abatement.

**Response to Comment A9-17:** The grasses are listed in reference to whole plant salvage. Tufts of salvaged grasses can be split into smaller pieces and used to increase the number of plants. The splitting of clumps of plants is meant, rather than taking cuttings as one would from shrubs.

**Response to Comment A9-18:** Seed currently is stored in temperature and humidity controlled cabinets at Victor Valley College.

**Letter B1 (1 page)**

## **RESPONSE TO LETTER B1**

### **Lucerne Valley Chamber of Commerce**

**Response to Comment B1-1:** The purpose of the letter is to inform the County that the Draft EIR adequately addresses the environmental concerns and that the proposed mitigation requirements make the project acceptable to the Chamber. the County would like to thank the Lucerne Valley Chamber of Commerce for taking the time to review the DEIR and provide a comment. We recognize the Chamber's comment of support regarding the proposed expansion project. The Chamber's opinion is being considered.

**Letter B2 (1 page)**

## **RESPONSE TO LETTER B2**

### **Lucerne Valley Economic Development Association**

**Response to Comment B2-1:** The County would like to thank Lucerne Valley Economic Development Association (LVEDA) for taking the time to review the DEIR and provide a comment. This letter correctly identifies key issues related to the proposed project, and recognizes that the Draft EIR has (to the extent practical) provided mitigation reducing the significance of project-related impacts. The County recognizes LVEDA's comment of support regarding the proposed expansion project and LVEDA's observations on the air quality and visual impacts associated with the proposed project.

Additionally, the County recognizes the comments regarding economic impacts of the proposed project. This information will be useful if the project is approved with environmental impacts that cannot be mitigated to levels that are below significant. In that case, this information may be relevant to the County's decision to adopt a Statement of Overriding Considerations as part of the Findings of Decision.



**Letter B3 (1 page)**

## **RESPONSE TO LETTER B3**

### **Degreed Jobs/ICR**

**Response to Comment B3-1:** The County would like to thank Degreed Jobs/ICR for taking the opportunity to review the DEIR and provide a comment. We recognize Degreed Jobs/ICR's comment of support regarding the proposed expansion project and appreciate the insights into MCC's environmental performance. These comments are being considered.

**Letter B4 (1 page)**

## **RESPONSE TO LETTER B4**

### **Hitchin Lucerne, Inc.**

**Response to Comment B4-1:** The County would like to thank Hitchin Lucerne, Inc., for taking the opportunity to review the DEIR and provide a comment. We recognize Hitchin Lucerne's comment of support regarding the proposed expansion project.

Additionally, the County recognizes the comments regarding economic impacts of the proposed project. This information will be useful if the project is approved with environmental impacts that cannot be mitigated to levels that are below significant. In that case, this information may be relevant to the County's decision to adopt a Statement of Overriding Considerations.

**Letter B5 (4 pages)**

**Letter B5 (4 pages)**

**Letter B5 (4 pages)**

**Letter B5 (4 pages)**



## RESPONSE TO LETTER B5

### Citizens for a Better Community, Inc.

**Response to Comment B5-1:** Section 4.2 of the DEIR discloses the potential impacts on groundwater from mining activities, which include the use of explosives as well as removal of rock. Section 4.2 also requires mitigation for this potential and concludes that the impact after mitigation would be less than significant. Mitigation for these impacts includes establishing additional monitoring wells and maintaining a minimum separation between the quarry floor and the groundwater table as determined through the monitoring program. Appendix C of the Draft EIR contains an update of hydrogeologic conditions of the Cushenbury mine and site. Mr. Ron Barto prepared the groundwater report for the project. Mr. Barto is a Registered Geologist (No. 3356) and a Certified Engineering Geologist (No. 966). He has conducted monitoring work at this site for greater than 20 years. Kleinfelder Inc., reviewed Mr. Barto's work under contract to the County of San Bernardino. Kleinfelder staff included Mr. Iqbal Mahmood, who holds a Ph.D. and is a Registered Professional Engineer; Mr. Michael Cook who is a Registered Geologist and Certified Engineering Geologist; and Mr. Richard Escandon who also is a Registered Geologist and Certified Engineering Geologist. These reports were reviewed and approved by the San Bernardino County Geologist, and were determined to be adequate for inclusion in the Draft EIR.

Contrary to the comment, Kleinfelder did not describe the DEIR or test results in the DEIR as incomplete. Nor did Kleinfelder describe the Barto analysis as incomplete. Kleinfelder observed, as did Barto, that data collection regarding groundwater elevation had been sporadic in the past. Kleinfelder also observed, consistent with the Barto analysis, that some of the available data regarding groundwater elevation was questionable due to interference caused by drilling methodology. Kleinfelder, Mr. Barto, and Mr. Reeder (County Geologist) provided expert opinion regarding the potential impacts of the proposed project, based on their experience and the available data.

**The same qualified individuals from Kleinfelder signed both the April 29, 2002, letter and the May 21, 2002, letter. The May 21, 2002, letter is identified as an addendum to clarify points in the first letter. The conclusions and recommendations of the first letter and the clarifications provided in the second are nearly identical, with three primary exceptions. The first exception concerns the fault trace analysis. The first letter identified this analysis, and the second letter clarified it as a recommendation for the monitoring program, specifically with regard to locating additional monitoring wells. The second difference between the two letters is that the April letter recommended two additional monitoring wells, while the May letter recommended three additional monitoring wells. Mitigation Measure HYD-1 requires at least three additional monitoring wells. Mitigation Measures HYD-1 reflects the Kleinfelder recommendations. In fact, this measure goes farther in that it authorizes the County Geologist to require additional measures, as the results of future monitoring become available. The addition of at least three new monitoring wells and additional years of monitoring are expected to resolve any uncertainty regarding the precise groundwater elevation. The additional wells and monitoring are to be established long before the quarries reach the predicted groundwater elevation. The quarries are to remain no closer than 25 feet to monitored groundwater elevations. The Draft EIR states the Groundwater Monitoring Program will be prepared prior to the commencement of expansion of the mine. The Program will require separate review and approval by the County Geologist. Finally, the April letter did not include any conclusion regarding the impacts of the proposed project. This was clarified by the May letter in which Kleinfelder concluded: "We concur with the expansion of The Cushenbury [sic] Mine, as described**

to us, should not increase the risk of adverse impacts to groundwater.”

**Response to Comment B5-2:** Please refer to the Response to Comment B5-1. The hydrogeologic report included as Appendix C to the DEIR, presents the available data regarding groundwater elevation from (1) exploratory drill holes, (2) water supply wells, and (3) groundwater monitoring wells. Analysis of samples from existing groundwater monitoring wells demonstrates that there are no hazardous substances or hazardous wastes present in the groundwater as a result of past or present mining activities. Groundwater monitoring results are submitted regularly to the Regional Water Quality Control Board, and have been included in the DEIR as Appendix I. The appendix includes quarterly reports for MCC monitoring wells numbers 1 through 3 from 1996 to as recent as the fourth quarter of 2003. The California drinking water limits, known as Maximum Contaminant Levels are included in this Appendix to provide a frame of reference for the quality of the water found in those wells. The reports contained in Appendix I are the same reports that have been regularly submitted to the Regional Water Quality Control Board; therefore, groundwater quality data has been fully and sufficiently disclosed.

The purpose of CEQA, and the EIR process, is to thoroughly evaluate and consider all environmental impacts of the proposed project, and mitigate the significant impacts where feasible. This proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine. The County takes the responsibility of evaluating environmental impacts seriously, and has provided a comprehensive environmental impact report that identifies all known potential impacts of the proposed project. The Draft EIR has been prepared, distributed, and reviewed in accordance with applicable CEQA guidelines and conforms to the County Guidelines for implementing CEQA.

**Response to Comment B5-3:** Please refer to the Response to Comment A3-1. The proposed project does not change the fuels used or how they are stored or handled. The project impacts to water quality are evaluated in Section 4.2.5 of the DEIR. The County’s discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant’s operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

MCC uses a fuel tank to provide fuel for its diesel haul trucks. In 1992, a small leak was discovered next to an underground tank that contained gasoline. This leak was near a fuel station next to the underground tank. A very low level of MTBE – a constituent of gasoline – was found in the soil that was excavated. MCC worked with the County of San Bernardino, County Fire Department immediately to remove the tank, remediate the leakage and establish a follow-on monitoring system to ensure that no contamination would enter into groundwater. The levels of the MTBE found in the monitoring well were either below California drinking water limits or not detectable. As a result, the County considered the issue resolved and closed the site in 2002. This matter was officially closed by notification in the Remedial Action Completion Certification letter from Mr. Peter S. Brierty,

Division Chief, Hazardous Material Division to Mr. Douglas Shumway of MCC dated December 3, 2002.

**Response to Comment B5-4:** The County was not involved in the open house events referred to in the comment, nor were County representatives present at those events. The County has, however, investigated water quality issues through the preparation of the DEIR and has provided responses to comments to further clarify remaining questions and concerns. Please see Responses to Comment Letters A3 and B5-1.

Three monitoring wells were constructed in 1991 at the site of the proposed project. A fourth monitoring well was drilled in September 2000. The three original monitoring wells have been sampled and analyzed on a quarterly basis for certain elements since 1992. As stated on page 4-27 of the Draft EIR and in the hydrology report contained in Appendix C of the Draft EIR, the quality of groundwater in the basin is generally good to excellent quality. The groundwater supply shows no evidence of contamination. Since the proposed project does not include any changes to the process currently being used at the mine or any increase in the levels of production, there is no evidence to support the idea that groundwater quality will decrease with the implementation of the proposed project.

Impacts to water quality and overall hydrology are evaluated in Section 4.2 of the DEIR. As explained in Section 4.2.4 of the DEIR, there is a number of impacts to hydrology that are found to be less than significant. These impacts were related to flooding, surface drainages, groundwater recharge, water supply, and springs and seeps. Additionally, as discussed in Section 4.2.5 of the DEIR the potentially significant hydrologic and water quality impacts will be mitigated to less than significant levels through both adherence to applicable Federal, State, and local laws and **Mitigation Measures HYD-1** through **HYD-3**. Adherence to these measures will reduce potentially significant impacts related to erosion and the quality/quantity of groundwater to a less than significant level.

**Response to Comment B5-5:** Please refer to the Responses to Comments A6-1 and B5-1. Section 4.1.1 of the DEIR describes the elevation of the floor of the existing East Pit. Table 4.2.A of the DEIR summarizes groundwater level data from various wells and boreholes. The floor elevations of both pits are shown in Figure 4.2.3 of the DEIR relative to various groundwater elevations. As shown in the figure, the proposed floor elevation of both pits is 4,360 feet. **Mitigation Measure HYD-1** requires the additional monitoring wells to be installed prior to the excavation reaching an elevation of 4,402 feet or 50 feet above the highest recorded water elevation. **Mitigation Measure HYD-2** requires the maintenance of a minimum of 25 feet of separation between quarry floors and groundwater. Also, please see the Response to Comment C18-1 regarding the hydrogeologic analyses by Kleinfelder and others.

**Response to Comment B5-6:** A groundwater monitoring program has been prepared and will be utilized throughout the operating lifetime of the mine.

**Response to Comment B5-7:** The proposed project does not involve the injection of any material into the water table. As the proposed project will not result in increase in the amount of production,

no increase plant emissions will occur. The existing plant is an operation that has been properly permitted by the MDAQMD. A detailed discussion of the use of biosolids and tires is included in the Response to Comment C2-11. This proposed project does not involve any changes at the cement kiln, nor will it result in any changes to the emissions from the cement kiln stack. To inquire about MCC's air quality compliance record on existing operations, members of the public should contact the MDAQMD at (760) 245-1661.

The purpose and intent of the Draft EIR is to disclose potential environmental impacts that may result from the proposed expansion of mining activities. As repeatedly stated in the Draft EIR, the proposed project will expand the area from which limestone will be mined, but will not increase the overall rate of production at the mine site. Because no increase in production or plant emissions will occur, the analysis included in the EIR is correctly limited to the discussion of potential impacts associated with the expansion of mining activities.

**Response to Comment B5-8:** The proposed project consists of the expansion of the existing mine. No change in the operations of the cement plant at MCC will occur; therefore, there will be no change in the emissions from the cement plant stacks, nor will there be any change in deposition from the cement plant.

Please see the Response to Comment letters A3-1 and C18-2. Additionally, the water quality results from MCC's monitoring wells can be found in the new Appendix I.

**Response to Comment B5-9:** The proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine. The County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

On December 31, 2003, a Federal Register notice was published announcing EPA's response to a National Research Council (NRC) report evaluating the scientific basis of the existing biosolids regulations. The same notice also announced the results of EPA's review of the Part 503 (Sewage Sludge Incinerator) regulations. This notice did not announce any new regulations but instead presented an action plan by EPA including a three-year study of pollutants found in biosolids.

The health concerns discussed in EPA's response to the NRC report concern land application of biosolids, not incineration, and mainly relate to contamination of water supplies. MCC does not do land application of biosolids, and would not cause any of those water-related health concerns. One of the benefits of biosolids incineration relative to land application is that there is no residual waste stream or potential water impact from the biosolids.

**Response to Comment B5-10:** The proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine. The County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

The dust collector bags are used to collect dust in the cement manufacturing process and are not meant to collect by-products or contaminants. Dust collector bags collect dust and go through a cleaning cycle where loose dust is removed from the interior of the bag. This dust is recycled back into the manufacturing system and used in the cement product. Some dust particles work their way into the bag fabric which results in a bag that is not able to function efficiently. According to MCC, after an MCC inspector observes that a bag is beyond its useful life, it is replaced with a new bag. Worn bags are placed on a pallet outside of the bag houses prior to pick up by MCC plant personnel. MCC reports that these bags contain no free or loose dust and are kept on the pallet no more than one day.

**Response to Comment B5-11:** MCC tests for Total Dissolved Solids (TDS) in its active monitoring wells on a quarterly basis. The Draft EIR (Table 4.2.B) summarized the level of total dissolved solids (TDS) in water monitoring wells. Groundwater quality in these wells has been monitored quarterly since 1992. The results of past testing can be found in Appendix I of the DEIR. MCC's requirement to continue testing for TDS will continue with this project. Please see Section 4.2 of the DEIR which addresses water quality. Past monitoring results have not indicated elevated TDS as a result of mining in the East Pit. Likewise, the proposed project is not expected to cause the TDS levels to rise.

**Response to Comment B5-12:** Dr. Krausman has prepared a report titled *Observations Related to Desert Bighorn Sheep, Cushenbury Mine Expansion, and the Environmental Impact Report for the Expansion*, which can be found in Appendix K of the DEIR. The report concludes that with the mitigation measures proposed in the DEIR, the Nelson's bighorn sheep will be able to tolerate the proposed mine expansion as they have tolerated mining in the past. The report does not suggest a five-year study.

The Draft EIR includes **Mitigation Measures BIO-10** and **BIO-11** that require the project proponent to contribute monies to the CDFG to monitor and gather data regarding the resident herd of bighorn sheep. The stated mitigation was developed in consultation with the CDFG, the State agency charged with oversight responsibility over this resource, and was determined sufficient to address this issue.

**Response to Comment B5-13:** Potential impacts to the visual character of the project site were assessed in Section 4.5 of the Draft EIR. As the Commentor has noted, the Draft EIR includes mitigation measures to reduce potential impacts to the visual character of the project site. Additionally, the mine site will be subject to ongoing reclamation activities throughout the operating life of the mine. SMARA requires that mining operations provide adequate financial assurances that

mined areas can and will be reclaimed according to an approved plan. The project proponent is required to provide these financial assurances in the form of a surety bond. The type of reclamation required and the resulting level of financial assurances are reviewed, updated, approved by the California Department of Conservation, Office of Mine Reclamation on a regular basis.

Despite reclamation efforts and the implementation of mitigation measures, impacts to the visual character of the project site, and the cumulative impact of the proposed project and other mining operations in the area would remain significant. Per Section 15093 of the *State CEQA Guidelines*, the County of San Bernardino, acting as the decision-making authority for the proposed project, may approve the EIR for the project for which significant, unmitigated impacts have been identified. Prior to any such approval, the County will be required to prepare a Statement of Overriding Considerations, indicating that the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

**Response to Comment B5-14:** As discussed in Section 4.6 of the DEIR, Section 15130 of the *CEQA Guidelines* requires that an EIR include a discussion of the potential cumulative impacts of a proposed project. Cumulative impacts are defined as two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the proposed development when added to other closely related past, present, and reasonably foreseeable or probable future developments. The significance of a cumulative impact may be greater than the effects resulting from the individual actions if the effects of more than one action are additive.

In Section 4.6 of the DEIR, the County presented Specialty Minerals, Inc., and OMYA, Inc. as active mining projects that should be considered cumulatively. Additionally, the County was aware of the potential that the Rancho Lucerne residential and commercial development may proceed, so we considered the effects of this project as well. The nearby sand and gravel mines of Cushenbury Sand and Gravel and Crystal Hill Sand and Gravel are both inactive. Therefore, those entities were not considered. The EIR examined hydrology, biology, air quality, and visual resources. Of these potential impacts, biology, air quality, and visual resources are cumulatively significant.

The proposed project's effects on air quality were studied in detail and can be found in Section 4.4 of the DEIR. On-site emissions would increase due to additional truck exhaust because of the longer haul trips required to reach the West Pit. However, the estimate of emission increases for NO<sub>x</sub>, VOC, CO, and SO<sub>x</sub> from the additional truck exhaust would remain well below MDAQMD significance thresholds. Only increases in PM<sub>10</sub> from fugitive dust would be considered significant according to the MDAQMD thresholds. Because of that significant impact, the project proponent will mitigate the PM<sub>10</sub> impact to less than significant levels through increased use of water for dust control on haul roads. For additional information on what steps the MDAQMD would take in the event that a criteria pollutant reached a non-attainment level, please contact MDAQMD at (760) 245-1661.

Section 5.1 of the Draft EIR identifies the significant and unavoidable impacts that will result from development of the proposed mine expansion. Emissions from the development of cumulative projects within the Lucerne Valley will exceed MDAQMD thresholds for PM<sub>10</sub> and NO<sub>x</sub>. While the proposed project will implement mitigation to reduce the emissions, the cumulative effects of these emissions will remain significant and unavoidable. As stated in the Response to Comment B5-12, the

County may approve a project (subject to Section 15093 of the *State CEQA Guidelines*) if the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

**Response to Comment B5-15:** The CEQA process requires the public disclosure and invites public participation. A DEIR evaluates the potentially significant impacts of a proposed project and presents the information for public review and comment. The comments from Citizens for a Better Community, as well as the comments of others, will be considered in developing the Final EIR that will be used in the decision whether to approve this project. CEQA requires that an agency (the County in this case) exercise independent judgment in determining the environmental impacts of a proposed project and in deciding whether to approve a project.

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**Letter B6 (3 pages)**

**Letter B6 (3 pages)**

**Letter B6 (3 pages)**

## RESPONSE TO LETTER B6

### California Native Plant Society

**Response to Comment B6-1:** The goals of the CHMS are "...to facilitate economic limestone mining activity while conserving the Carbonate Plants ...", (page 6, CHMS). Compliance with the CHMS will allow both mining and conservation of the carbonate plants. The County of San Bernardino and MCC are both parties to the CHMS. Compliance with the CHMS is believed to accomplish as much mitigation as is feasible, however, it would not eliminate continued losses of individuals of listed species, therefore the remaining impact is recognized as significant. **Mitigation Measure BIO-3** provides for compliance with the CHMS as complete mitigation for impacts to carbonate plants from the project. **Mitigation Measures BIO-1** and **BIO-2** are included to provide alternative means of mitigation until the CHMS is implemented.

**Response to Comment B6-2:** The Draft EIR contains **Mitigation Measure BIO-3**, which allows Mitsubishi to elect to participate in the Carbonate Habitat Management Strategies developed by the Forest Service, Bureau of Land Management, Fish and Wildlife Service, mining interests, and the County of San Bernardino. The principles of reserve design and mitigation included in the CHMS would be applied regardless of whether the CHMS is implemented. Mitsubishi may elect to follow **Mitigation Measure BIO-3** provided the County determines that it is, "... functionally equivalent" to **Mitigation Measures BIO-1 and BIO-2**.

**Response to Comment B6-3:** As set forth in Table 4.3.A of the Draft EIR, the two plant species referenced by the Commentor are included on the California Native Plant Society's (CNPS) List 1B, which includes plant species "...considered by CNPS to be rare, threatened, or endangered in California and elsewhere." The CNPS listing does not have official standing with the CDFG or the United States Fish and Wildlife Service (USFWS). Furthermore, according to the literature search of plant and animal species that may occur on-site, Shockley's rock-cress (*Arabis shockleyi*) had an uncommon-to-occasional probability for occurrence on-site, while the San Bernardino Mountains dudleya (*Dudleya abramsii* sp. *affinis*) had a scarce probability for occurrence on-site.

The DEIR does not dismiss the rarity of CNPS 1B species; they are considered in the impact analysis and mitigation measures. The lack of known occurrences of these species may be due to a lack of surveys as much as to their rarity. The listed species function as umbrella species for the entire suite of species (plants and animals) that occur on carbonate habitat. Consequently, the lands set aside for the listed species will also provide habitat for and serve as mitigation for other species as well. Because of low probability for occurrence of the referenced species on-site, the County, in its capacity as Lead Agency, determined that discussion of potential impacts to these species was not warranted in the Draft EIR.

**Response to Comment B6-4:** Table 4.3.C of the Draaft EIR identifies the amount of critical habitat that would be located within the area of the proposed mine expansion area. The amount of critical habitat is not additive across species because some areas are occupied, or are critical habitat for more than one species. Under **Mitigation Measure BIO-3**, the basis of the mitigation will be Conservation Units as defined in the CHMS. The project has been assigned a Conservation Unit Value of 117 Units

under the CHMS. At the required rate of 3 to 1, the project would require 351 Conservation Units for mitigation. Conservation Lands have been identified and offered to the USFS for mitigation. The offered lands are within Stage 1 Priority Areas of the CHMS (Map 3, Appendix I). The amount of mitigation lands offered is consistent with the CHMS. In the absence of the CHMS, the mitigation could be transacted on the basis of Conservation Unit Value or 3 to 1 on an acreage basis for habitat of comparable value.

**Response to Comment B6-5:** The success criteria contained in the Reclamation Plan (page 46, Appendix H of the DEIR) are identical to those contained in the CHMS (page 68, Appendix E). The CHMS requires 50 percent of the baseline for cover, density and species richness and no more than 15 percent cover by non-native species. The baseline data for the mine is: 27 percent cover, 2.4 plants per square meter, and 39 species for richness (page 46, Appendix H, DEIR). Fifty percent of these measures are: 14 percent cover, 1.2 plants per square meter, and 20 species for richness. This is what is stated on page 46 of the Reclamation Plan. Page 46 also indicates that 15 percent cover by non-native species as the upper limit.

**Response to Comment B6-6: Mitigation Measure BIO-2** provides a possible future scenario developed to encourage mining companies to use the carbonate species in mine reclamation, in addition to creating habitat reserves. The reserves would be established under **Mitigation Measure BIO-1** and would recognize the common conservation biology tenets on fragmentation. Any future withdrawals would also recognize those tenets: Habitat fragmentation would be a factor considered by the County in approving any request for withdrawal.

**Response to Comment B6-7:** As stated in the Reclamation Plan, all species used in reclamation will be native species known from the site vicinity. The cover "crop" species include *Acnatherum parishii*, *A. hymenoides*, *A. speciosum*, *Chrysothamnus nauseosus*, *Gutierrezia microcephala*, as well as others.

**Response to Comment B6-8:** The intent of the Reclamation Plan is to provide effective control on non-native species (page 46, Appendix H, DEIR). It is acknowledged that weed removal prior to seed set is preferable to performing it later.

**Response to Comment B6-9:** The baseline vegetation was derived from lands between the existing East Pit and the proposed West Pit. This land has the same elevation, aspect, climate and geology as the proposed and existing pits. Consequently this area is appropriate for determining the vegetation baseline. The variation between the two lists is due to the variation inherent in conducting these types of surveys, year, season, surveyors, etc. The baseline included in the Reclamation Plan was obtained in 1995 from randomized transect sampling. The survey conducted in 2000 was the basis for the EIR analysis and was a 100 percent survey. The differences between the two lists does not mean that either one is incorrect. The baseline for the combined projects is the union of both lists and not one versus the other; therefore, any difference between the lists is inconsequential. Please note also, that as more information is gained over the next 35 years the "baseline" will be amended accordingly.

Annual plants are not excluded from reclamation. They are not used in defining the standards because their occurrence is highly variable and unpredictable. Consequently, the baseline data is focused on perennial plant species. However, the species to be used in reclamation include all native species found on-site and in adjacent areas. Annual plant species will be included in reclamation as seed production and collection allow. Annual plant occurrences will be recorded in transect and plot data and included in the required reports.

**Letter B7 (7 pages)**

**Letter B7 (7 pages)**



**Letter B7 (7 pages)**

**Letter B7 (7 pages)**

**Letter B7 (7 pages)**

**Letter B7 (7 pages)**

**Letter B7 (7 pages)**

## **RESPONSE TO LETTER B7**

### **Holcomb Valley Mining District**

**Response to Comment B7-1:** The County would like to thank the Holcomb Valley Mining District for taking the opportunity to review the DEIR and provide a comment and recognizes the District's comment in support of the proposed expansion project.

Additionally, the County recognizes the comments regarding economic benefits of the proposed project. This information will be useful if the project is approved with environmental impacts that cannot be mitigated to levels that are below significant. In that case, this information will be considered by the County in adopting a Statement of Overriding Considerations as part of the Findings of Decision.

**Response to Comment B7-2:** The County appreciates the District's comment regarding carbonate plants. In preparing this DEIR, however, the County will rely on the expertise of responsible and custodial agencies such as the United States Fish and Wildlife Service and the California Department of Fish and Game with respect to the decision to list species as threatened or endangered.

**Response to Comment B7-3:** The County thanks the District for providing the articles attached to support its letter.

**Letter C1 (1 page)**

## **RESPONSE TO LETTER C1**

### **John Hill**

**Response to Comment C1-1:** The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The County would like to thank Mr. Hill for taking the time to review the DEIR and provide a comment. Mr. Hill's comments and opinions are being considered.



**Letter C2 (3 pages)**

**Letter C2 (3 pages)**

**Letter C2 (3 pages)**

## RESPONSE TO LETTER C2

### Gerald Pugh

**Response to Comment C2-1:** The only change in fuel consumption associated with the proposed project is the increased use of diesel fuel in the trucks in the mine. This increase is due to longer round trips from the proposed mine expansion to the crusher and the increased use of water trucks to mitigate the dust (PM<sub>10</sub>) created from the truck travel. This increased fuel consumption is estimated at Section 4.4.4 in the DEIR and has been evaluated for its impact on air quality and toxic exposure.

The proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine. The County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

The proposed project does not involve the burning of tires and hazardous waste, as described in the Response to Comment B5-9. To inquire about MCC's air quality compliance record on existing operations, members of the public should contact the MDAQMD at (760) 245-1661. The MDAQMD has authorized MCC to use tires and biosolids in its existing operations under permit number B001025. Neither tires nor biosolids are hazardous waste. MCC's cement kiln is not allowed to burn hazardous waste.

**Response to Comment C2-2:** Please see the Response to Comment C2-1 for a discussion of the use of fuels associated with the proposed project. The proposed project expands the mining area; it does not change the operations of the cement plant. The existing Reclamation Plan for the mine is in force through the year 2034. The amended Reclamation Plan likewise will be in force through 2034.

**Response to Comment C2-3:** Numerous geotechnical investigations have been prepared to support the proposed mine expansion project. These investigations have been included as Appendix B of the Draft EIR. These geotechnical investigations have been peer-reviewed and submitted to the San Bernardino County Geologist for review and comment. In a large mine like the Cushenbury Mine, changes in the mine rock exposures occur slowly. In mining the new West Pit Expansion, new benches of 45 feet each will be advanced about one per year. Annual mapping is appropriate because there is only a small area of new rock exposures to examine each year. The geologist will be looking for unstable rock exposures.

In Sections 4.1.4.2 and 4.1.5.1 of the DEIR, earthquakes, slope stability, and earth removal are evaluated. With the implementation of **Mitigation Measures GEO-1** through **GEO-3**, the impacts on geology and slope stability will be less than significant. Pursuant to **GEO-1**, mapping must be conducted by an independent California Certified Engineering Geologist. **GEO-3** requires a final report on slope stability. The annual and final reports must be submitted to the County Geologist for review and approval, providing a second level of expert review.

At the start of this process, MCC's geologist had recommended mapping every three to five years. At the request of County geologist, this requirement was increased to annual mapping. Mr. Pugh's opinion of the County Geologist's impartiality is not supported by fact, nor does he provide any evidence to support his claim that a monthly evaluation of slope stability is required.

**Response to Comment C2-4: Mitigation Measures GEO-2 and GEO-3** are included to ensure slope stability. They require that the bench design remain as proposed because that is the configuration that was shown to be stable. Stable benches will retain soil and catch falling rock and seeds and water to aid in reclamation. A report is required when the benches are in the final configuration in order to demonstrate that the observed conditions match those predicted. The revegetation plan is required by SMARA (Public Resources Code, Division 2, Chapter 9, Section 2710, et seq.) to include soil salvage for use in reclamation and the use of native plant species consistent with the end use. It does not include non-native plants as stated in the comment. The successful use of salvaged topsoil and revegetation with native plant species has been achieved on a small scale. Most of the benches in the existing quarry have not reached the final configuration. It is expected to take many years to complete reclamation on this site. Until reclamation is successful, MCC is required to attempt reclamation, report the results of reclamation, and have financial assurances for reclamation. Mine reclamation bonds are adjusted as needed and may be increased for new surface disturbance or decreased for successful reclamation. All of these requirements continue to be in force until the approved success criteria for reclamation are met.

**Response to Comment C2-5:** A substantial increase in the rate, volume and/or extent of on-site erosion would be a significant impact. A potentially significant erosion impact has been identified in the Draft EIR (Sections 4.1.5.2 and 4.2.5.2). The DEIR includes **Mitigation Measures GEO-4 through GEO-9**. The objective of these measures is to limit flow volumes and velocities, to minimize or prevent erosion, and to promote the settling of suspended solids before runoff leaves disturbed areas. Additionally, disturbed areas will be stabilized to minimize short- and long-term erosion. Implementation of the referenced mitigation will reduce potential erosional impacts to a less than significant level. Roads within the mine will be designed, constructed, and maintained in a manner to limit short-term erosion. Additionally, adherence to applicable Federal, State, and local laws regarding erosion control will apply, and along with **Mitigation Measures HYD-1 through HYD-3**, will reduce these potentially significant impacts to less than significant levels. Specifically, under **Mitigation Measure HYD-3** the project applicant will be required to obtain a general construction stormwater permit from the California Regional Water Quality Control Board, Colorado River Basin Region, if applicable. The issuance of this permit will require that erosion controls are in place to guard against any problems with potential rainstorms. As another level of assurance, MCC will also be required to propose and implement erosion control measures as required in MCC's Reclamation Plan.

The Commentor's prediction of future damage resulting from added runoff from the project site is speculative and unsupported by evidence.

**Response to Comment C2-6:** Please refer to the Response to Comment C2-5. Additionally, because of the topography of the proposed project site, rainfall would be directed into the existing and proposed pits by the natural drainage courses and gravity. There is no outlet for rainfall or storm

water flows for either the existing or proposed pits. This topography would protect property that is below the mine in elevation from increased levels of stormwater runoff flowing toward those properties. Since the pit will contain the stormwater flows, there will be no drainage control structures that might fail.

**Response to Comment C2-7:** Please see the Response to Comment C2-4. In addition to the reclamation issues explained in that response, SMARA requires that mining operations provide adequate financial assurances that mined areas can and will be reclaimed according to an approved plan. The project proponent is required to provide these financial assurances in the form of a surety bond. The type of reclamation required and the resulting level of financial assurances are reviewed, updated, approved by the California Department of Conservation, Office of Mine Reclamation on a regular basis.

**Response to Comment C2-8:** Please see Response to comment C2-6. The DEIR evaluates potential impacts from flooding in Section 4.2.4.1. The studies have found that given its location on the lower slope of the San Bernardino Mountains, the project area is well above the valley floor and is not within an identified floodplain or floodway. Because of its limited upslope drainage areas and the prevailing climatic conditions, development of the proposed mine expansion would not result in substantial flooding. Therefore, no impact related to this issue would occur.

Appendix D of the Draft EIR includes the jurisdictional delineation of on-site drainage features. This report, as summarized in Section 4.2.4.2 of the Draft EIR states, "...on-site ephemeral channels are not subject to regulation by the Corps under Section 404 of the Clean Water Act." The small area subject to CDFG permitting is not significant due to the lack of unique vegetation and habitat on-site. Because compliance with CDFG permit requirements must be achieved prior to implementation of the proposed project, potential impacts related to this issue were accurately identified as less than significant.

**Response to Comment C2-9:** Section 4.2.4.4 of the Draft EIR states that proposed mine expansion will require a total 42.7 acre-feet/year (af/yr) of water. Combined, the existing mine and the proposed mine expansion will require 63.3 af/yr of water. As stated in the Draft EIR, groundwater rights in the Mojave Basin Area are adjusted annually. MCC has water rights of a "free production allowance" ("FPA") within the Este Sub basin of the Mojave River watershed. The Mojave Basin Area Watermaster annually adjusts the FPA of MCC and others to ensure that water will be available to meet future needs. Any increase in water required for fugitive dust control will be within the FPA established by the Watermaster, and can be met through the surplus FPA that MCC would otherwise sell. The project is not expected to have a significant effect on the water table. From 1995 to 2002, MCC produced an average of 511.45 af/yr of water.

The proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine. MCC switched from a wet process to a dry process for manufacturing cement in 1981. This change in technology significantly reduced the level of water that MCC uses in its existing operations. This information is offered in an attempt to provide some additional facts regarding the issues that have been raised in the comment.

MCC reports that standing water is rarely observed in the existing East Pit, and then only briefly. The water that enters the existing pit percolates into the groundwater within forty-eight hours or less. As such, it is not subject to unusual rates of evaporation as the comment suggests. Further, most precipitation occurs during the winter months when conditions to support evaporation are at the lowest of the year. Given the common geology of the West Pit, storm water is not expected to accumulate in the West Pit where it might be subject to increased evaporation.

**Response to Comment C2-10:** The Draft EIR (Section 4.2.5.2) states, “Quarrying activities within the proposed West Pit will alter surface conditions that may increase the potential for erosion and/or increase downslope flows. A *substantial* increase in the rate, volume, and/or extent of on-site erosion would be a significant impact.” With the implementation of **Mitigation Measures GEO-4** through **GEO-9**, and **HYD-3**, a substantial increase in the rate, volume, and/or extent of on-site erosion will not occur; therefore the potential impacts associated with erosion will be less than significant.

The Commentor does not provide evidence supporting his claim that the mitigation measures identified in the Draft EIR are inadequate, nor does he identify alternative mitigation that would remedy his objections to the determination made by the County. In the absence of any such evidence, the determination by the County of the adequacy of the referenced mitigation measures remains valid.

**Response to Comment C2-11:** The proposed project is an expansion of the mining area. The proposed project does not involve the combustion of tires or biosolids. The proposed project will not result in any change in how these materials are used in the existing cement plant.

The County’s discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant’s operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

The biosolids used by MCC in the cement kiln are not hazardous waste. The biosolids used by MCC in the cement kiln originate primarily from the Los Angeles County Sanitation District (LACSD). Biosolids originating from both the Victor Valley Wastewater Reclamation Authority and the Big Bear Area Regional Wastewater Agency are also occasionally used. Table 3.A compares biosolids with each of the criteria for designation as a hazardous waste. The table briefly summarizes each criterion, and presents information from the Biosolids Monthly Report prepared by the LACSD substantiating why the biosolids do not meet that criterion. The last column of the table identifies the location in the Biosolids Monthly Report where the relevant information can be found. Where the Biosolids Monthly Report does not contain information for a criterion, the table explains why this is not necessary. The Biosolids Monthly Report further verifies that the biosolids are not exceeding any of the criteria applied in regulations specific to biosolids.

### 3.A: Biosolids Compared to Hazardous Waste and Hazardous Materials Criteria

Hazardous Waste or Hazardous Material Criteria	Level at Which Material Is Considered a Hazardous Waste (RCRA and Non-RCRA, Summarized)	Biosolids Status Relative to Criteria	Location in Monthly Biosolids Report from Los Angeles County Sanitation District
Ignitability	Capable of causing fire by means of friction, adsorption of moisture or spontaneous chemical changes.	Do not meet these criteria.	Not included because the biosolids do not meet this criterion, since the moisture content is very high.
Corrosivity	pH <2 or pH > 12.5 or rate of steel corrosion when mixed with water.	pH around 8, non-corrosive.	Not included because the biosolids are generated from a wastewater treatment plant that includes pH adjustment to the neutral range.
Reactivity	Unstable or undergoes rapid or violent chemical reactions when exposed to or mixed with water, air or other materials.	Does not meet these criteria.	Not included because the biosolids obviously do not meet this criterion.
Toxicity	Contains toxic metals or organic substances in excess of regulatory levels.	Tests show that all toxic levels are below regulatory limits.	Total and soluble metals analysis and comparison with applicable limits are provided on pages 3 through 6.
Listed Wastes	See lists in RCRA and non-RCRA regulations for special types of wastes.	Not a listed waste.	Not included because biosolids are not a listed waste.
Preliminary Remediation Goals (PRGs)	Example goals set for soil remediation in case of future residential land use, more stringent than waste limits.	Tests show that all levels are below PRGs; biosolids are suitable for land application.	Detected priority pollutants analysis is listed on page 7.
Requires Special Handling	N/A	Does not require an MSDS, non-hazardous and non-toxic.	Refer to "Biosolids Cake Profile Sheet" for handling requirements.



**3.A: Biosolids Compared to Hazardous Waste and Hazardous Materials Criteria**

<b>Hazardous Waste or Hazardous Material Criteria</b>	<b>Level at Which Material Is Considered a Hazardous Waste (RCRA and Non-RCRA, Summarized)</b>	<b>Biosolids Status Relative to Criteria</b>	<b>Location in Monthly Biosolids Report from Los Angeles County Sanitation District</b>
Content of Biological Microorganisms	N/A	Direct contact should be avoided. Hands should be washed if they come into contact with biosolids.	Digester performance is documented on page 7, showing that the content is in the acceptable range.

Likewise, as shown in Table 3.B, tires are not hazardous waste.

**Table 3.B: Tire-Derived Fuel Compared to Hazardous Waste Criteria**

<b>Hazardous Waste Criteria</b>	<b>RCRA and Non-RCRA Hazardous Waste Criteria (Summarized)</b>	<b>Tires Status Relative to Criteria</b>
Ignitability	Capable of causing fire by means of friction, adsorption of moisture, or spontaneous chemical changes.	Does not meet this criterion.
Corrosivity	pH < 2 or pH > 12.5 or rate of steel corrosion when mixed with water.	pH around 8, non-corrosive.
Reactivity	Unstable or undergoes rapid or violent chemical reactions when exposed to or mixed with water, air or other materials.	Does not meet this criterion.
Toxicity	Contains toxic metals or organic substances in excess of regulatory levels.	Tests show that all constituent concentrations are below regulatory limits.
Listed Wastes	See lists in RCRA and non-RCRA regulations for special types of wastes.	Not a listed waste.

Biosolids and tires do not meet any of the criteria set by the Federal government for hazardous waste, namely ignitability, corrosivity, reactivity, or toxicity. Biosolids do not fit into any of the defined “listed wastes” or restrictions related to hazardous materials. That is why biosolids and tires are not classified as hazardous wastes and do not require hazardous waste management. The biosolids used at the Cushenbury cement plant are generated from a wastewater treatment plant, which must meet regulations relative to metals and other materials before the biosolids can be distributed. While biosolids are treated and are not hazardous, anyone handling them is encouraged to maintain basic personal hygiene.

Biosolids are not used for fuel, but are added to the Cushenbury kiln specifically to reduce emissions of oxides of nitrogen (NOx). Tires are used for fuel, but are burned with much lower NOx emissions than the corresponding amount of coal. Therefore, there is resulting improvement in air quality as a

result of using these two materials. Because neither biosolids nor tires are hazardous wastes, the cement plant is not subject to hazardous waste combustor standards. Nonetheless, as shown in 3.C, the plant meets those standards.

**Table 3.C: Comparison of Mitsubishi's Cushenbury Kiln Emissions with Regulatory Limits**

<b>Pollutant</b>	<b>MCC Test Results (1998 Data)  With Tires and Biosolids</b>	<b>Standard for Comparison</b>	<b>Source of Standard for Comparison (See footnote explanations of why some of the following regulations do not apply to Mitsubishi's emission. Even though they do not apply, this chart demonstrates Mitsubishi emissions are well below all those standards.)</b>
Dioxin / Furan	0.0027 ng TEQ/dscm	0.20 ng TEQ/dscm, or 0.40 ng TEQ/dscm APCD temp < 400 °F	<b>Non-hazardous waste kiln:</b> PC MACT NESHAP Subpart LLL (existing source) <b>Hazardous waste combustor:</b> HWC Phase I MACT <sup>(3)</sup> NESHAP Subpart EEE (existing source)
Mercury (ug/dscm)	27 ug/dscm	120 ug/dscm	<b>Hazardous waste combustor:</b> HWC Phase I MACT <sup>(3)</sup> NESHAP Subpart EEE (existing source)
Mercury (lbs/24- hr)	0.687 lbs/ 24 hrs	7.1 lbs/ 24 hrs	<b>Sewage sludge incinerator</b> <sup>(4)</sup> 40 CFR Part 503 Subpart E
SVM (ug/dscm) Sum of Lead & Cadmium	1.3 ug/dscm	330 ug/dscm	<b>Hazardous waste combustor:</b> HWC Phase I MACT <sup>(3)</sup> NESHAP Subpart EEE (existing source)
LVM (ug/dscm) Sum of Chromium, Arsenic & Beryllium	3.9 ug/dscm	56 ug/dscm	<b>Hazardous waste combustor:</b> HWC Phase I MACT <sup>(3)</sup> NESHAP Subpart EEE (existing source)
Beryllium <sup>(6)</sup>	0.000763 lbs/ 24 hrs	0.022 lbs/ 24 hrs	<b>Sewage sludge incinerator</b> <sup>(4)</sup> 40 CFR Part 503 Subpart E
Hydrogen Chloride (ppm)	8.2 ppm	130 ppm	<b>Hazardous waste combustor:</b> HWC Phase I MACT <sup>(3)</sup> NESHAP Subpart EEE (existing source)
Hydrogen Chloride (lbs/hr)	0.325 lbs/hr	4 lbs/hr	<b>Hazardous waste incinerator:</b> Boilers and Industrial Furnaces under RCRA, <sup>(5)</sup> 40 CFR 264 Subpart O
Total Hydrocarbons (ppm)	49.1 ppm	100 ppm	<b>Sewage sludge incinerator</b> <sup>(4)</sup> 40 CFR Part 503 Subpart E

**Table 3.C: Comparison of Mitsubishi's Cushenbury Kiln Emissions with Regulatory Limits**

<b>Pollutant</b>	<b>MCC Test Results (1998 Data)  With Tires and Biosolids</b>	<b>Standard for Comparison</b>	<b>Source of Standard for Comparison (See footnote explanations of why some of the following regulations do not apply to Mitsubishi's emission. Even though they do not apply, this chart demonstrates Mitsubishi emissions are well below all those standards.)</b>
Particulate Matter (kg/Mg dry feed)	0.027 kg/Mg dry feed	0.15 kg/Mg dry feed	<b>Non-hazardous waste kiln:</b> PC MACT NESHAP Subpart LLL (existing source) <b>Hazardous waste combustor:</b> HWC Phase I MACT <sup>(3)</sup> NESHAP Subpart EEE (existing source)
Particulate Matter (mg/dscm)	16.0 mg/dscm	180 mg/dscm	<b>Hazardous waste incinerator:</b> Boilers and Industrial Furnaces under RCRA, <sup>(5)</sup> 40 CFR 264 Subpart O
Opacity	<20%	20%	<b>Non-hazardous waste kiln:</b> PC MACT NESHAP Subpart LLL (existing source) <b>Hazardous waste combustor:</b> HWC Phase I MACT <sup>(3)</sup> NESHAP Subpart EEE (existing source)

**Note:**

SVM = Semi-volatile metals, LVM = low-volatile metals, TEQ = Toxic equivalents, MACT = Maximum Achievable Control Technology, PC = Portland Cement, NESHAP = National Emission Standards for Hazardous Air Pollutants, HWC = Hazardous Waste Combustor, ug/dscm = micrograms per dry standard cubic meter, kg/Mg = kilogram per million grams, mg/dscm = milligram per dry standard cubic meter, RCRA = Resource Conservation and Recovery Act, lb = pound, hr = hour.

1. All standards are corrected to 7% oxygen (O<sub>2</sub>).
2. All data from *Report of Air Pollution Source Test of a Cement Plant Kiln Operated by Mitsubishi Cement Corporation, Lucerne Valley, California*, prepared by Kremer Environmental Services and Delta Air Quality Services, Inc.; dated July 24, 1998.
3. MCC kiln is not subject to 40 CFR 63 Subpart EEE because TDF and sewage sludge are not hazardous waste as specified in 40 CFR 261.
4. MCC kiln is not subject to 40 CFR 503 Subpart E because kiln does not burn 70% sewage sludge as a percentage of total fuel.
5. MCC kiln is not subject to 40CFR264 Subpart O because TDF and sewage sludge are not hazardous waste as specified in 40CFR261.
6. Ambient concentration at nearby receptors is expected to be at least one order of magnitude below concentration at stack tip.

The scorecard listing by the Environmental Defense (ED) is based on a health risk assessment for which ED has been unwilling to provide the details, and which therefore cannot be critiqued by outside parties. MCC's consultant has requested the details of the calculations, but ED has not provided them. MDAQMD is required under AB2588 to perform a preliminary risk assessment called a prioritization score calculation. MDAQMD performed this calculation using MCC data that included the effect of burning tires and biosolids, and the results showed that the health risk due to the MCC facility was low. The prioritization score protocol is publicly available, as specified in the AB2588 program. Therefore, MDAQMD's prioritization score calculation can be relied on to conclude that MCC's activities are not a concern for community health. MDAQMD believes that its toxic analysis is adequate.

**Response to Comment C2-12:** As discussed in Section 4.5.1 of the EIR, visual impacts of the proposed mine expansion will vary according to the vantage point, but overall these impacts will be significant before mitigation. The project proponent will employ the use of stain on exposed areas of rock or covering areas of lighter rock exposure with darker rock which is native from the MCC site. Additionally, per **Mitigation Measure VIS-1**, the project proponent will revegetate the benches of the proposed mine with native plant species.

The purpose of CEQA and the production of the DEIR is to evaluate the environmental impacts of a proposed project and to encourage a public discourse on matters of environmental concern. Per Section 15131(a) of the *State CEQA Guidelines*, "...Economic or social impacts of a project shall not be treated as significant effects on the environment." Because consideration of economic or social impacts is required only when the economic impact will in turn result in environmental impacts, an examination of declining or increasing property values is not included in the DEIR.

**Response to Comment C2-13:** The CEQA process is a process of public disclosure which relies on public participation. A DEIR evaluates the potentially significant impacts of a proposed project and presents the information for public review and comment. Mr. Pugh's comments, and the comments of others, will be considered in developing the final version of the EIR and in the decision whether to approve this project. CEQA requires that the Lead Agency (in this case the County of San Bernardino) exercise independent judgment in determining the environmental impacts of a proposed project and in deciding whether to approve a project. Mr. Pugh's comments are being considered.

**Letter C3 (1 page)**

## RESPONSE TO LETTER C3

Gary Alan Boyd

**Response to Comment C3-1:** Three monitoring wells were constructed in 1991 at the site of the proposed project. A fourth monitoring well was drilled in September 2000. The three original monitoring wells have been sampled and analyzed on a quarterly basis for certain elements since 1992. As stated on page 4-27 of the Draft EIR and in the hydrology report contained in Appendix C of the Draft EIR, the quality of groundwater in the basin is generally good to excellent quality. The groundwater supply shows no evidence of contamination. Since the proposed project does not include any changes to the process currently being used at the mine or any increase in the levels of production, there is no evidence to support the idea that groundwater quality will decrease with the implementation of the proposed project.

Impacts to water quality and overall hydrology are evaluated in Section 4.2 of the EIR. As explained in Section 4.2.4 of the DEIR, there is a number of impacts to hydrology that are found to be less than significant. These impacts were related to flooding, surface drainages, groundwater recharge, water supply, and springs and seeps. Additionally, as discussed in Section 4.2.5 of the DEIR, the potentially significant hydrologic and water quality impacts will be mitigated to less than significant levels through both adherence to applicable Federal, State, and local laws and **Mitigation Measures HYD-1** through **HYD-3**. Adherence to these measures will reduce potentially significant impacts related to erosion and the quality/quantity of groundwater to a less than significant level.

**Response to Comment C3-2:** The DEIR evaluates potential environmental impacts and has found that there are significant impacts after mitigation in the areas of biology, visual impacts, and cumulative air quality. The County of San Bernardino may approve an EIR for a project for which significant, unmitigated impacts have been identified. Prior to any such approval, the County is required to prepare a Statement of Overriding Considerations, indicating that the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

Mr. Boyd requests that the welfare of the community be considered. Section 4.4.4.3 of the DEIR summarizes the results of a health risk assessment prepared for the proposed project. This assessment found that there is no significant impact relating to risk of cancer or non-cancer chronic or acute diseases associated with the proposed project. Mr. Boyd's concerns will be considered.

**Response to Comment C3-3:** The purpose and intent of the Draft EIR is to publicly disclose potential environmental impacts associated with the proposed project. The Draft EIR has been prepared, distributed, and reviewed in accordance with applicable provisions of CEQA. The County has conducted an analysis of all known environmental impacts of the proposed project along with all feasible mitigation measures to fully inform the public of the potential that may result from the development or operation of the proposed mine expansion.

**Letter C4 (1 page)**

## RESPONSE TO LETTER C4

### Elizabeth Peters

**Response to Comment C4-1:** Mining in the existing East Pit includes the use of explosives to loosen the rock. The only change in blasting associated with the proposed project is that with the opening of the West Pit, the location of some of the blasting activity will move westward.

In light of concerns expressed during the public comment period, MCC has explored alternative techniques designed to reduce the noise associated with blasting. Commencing January 2004, MCC has begun using the Nonel EZ Det System rather than using a detonation cord to initiate the millisecond delay blasting system. The new system eliminates the use of detonation cord on the surface, which was the primary factor in blasting noise (Letter from Mr. Biggs dated March 8, 2004). Due to the fact that there will be no increase in blasting associated with the project, and the efforts of the company to reduce the noise associated with existing blasting, the project will have no significant adverse impact due to blasting.

**Response to Comment C4-2:** Because the project will not increase the overall rate of production, there will be no increase in employment. As a result, the proposed mine expansion will result in no change in local housing or in traffic on public roads. The County appreciates Ms. Peter's comment on the economic impact of the proposed project and will be considered.



**Letter C5 (1 page)**

## RESPONSE TO LETTER C5

### Daniel Quintar

**Response to Comment C5-1:** The purpose of the environmental review under CEQA is to consider the environmental impacts of a project, especially those impacts that may be significant. Further, CEQA imposes an obligation to mitigate significant environmental impacts to less than significant where mitigation is feasible. In compliance with CEQA, the County identified air quality as a possible area of environmental impact for the proposed MCC mine expansion project. As a result, the effects on air quality were studied in detail and can be found in Section 4.4 of the DEIR.

The Draft EIR assessed potential impacts associated with the expansion of the existing mine. As stated in the Draft EIR, production and the generation of overburden are expected to remain comparable to existing levels throughout the life of the mine and reclamation plan. The proposed project will not increase the overall rate of production at the mine site.

None of the increases in emissions are related to mercury. Further, there is no mercury burning as part of the proposed project or in the existing operations.

On-site emissions would increase due to additional truck exhaust because of the longer haul trips required to reach the West Pit. However, the estimate of emission increases for NO<sub>x</sub>, VOC, CO, and SO<sub>x</sub> from the additional truck exhaust would remain well below MDAQMD significance thresholds. Only increases in PM<sub>10</sub> from fugitive dust would be considered significant according to the MDAQMD thresholds. Because of that significant impact, the project proponent will mitigate the PM<sub>10</sub> impact resulting from operation of the mine to less than significant level through increased use of water for dust control on haul roads. Long-term cumulative PM<sub>10</sub> and NO<sub>x</sub> air quality impacts remain significant despite the implementation of mitigation.

As stated in the Draft EIR, a health risk analysis was performed to ensure that off-site health risks would not be increased for sensitive receptors due to the proposed expansion. Information regarding air quality data, emissions calculations, and health risk calculations is contained in Appendix F of the Draft EIR. Maximum individual cancer risk, the chronic hazard index, and acute hazard index are all below threshold values.

**Response to Comment C5-2:** The proposed project will not result in any change in the operations of the cement plant at MCC. As stated in the DEIR the project consists solely of the proposed expansion of the mine.

The purpose and intent of the Draft EIR is to publicly disclose potential environmental impacts associated with the proposed project, and where feasible, mitigate the resultant environmental impacts. Per Section 15093 of the *State CEQA Guidelines*, the County of San Bernardino, acting as the decision-making authority for the proposed project, may approve the EIR for the project for which significant, unmitigated impacts have been identified. Prior to any such approval, the County will be required to prepare a Statement of Overriding Considerations, indicating that the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

The County takes the responsibility of evaluating environmental impacts seriously, and has provided a comprehensive environmental impact report that identifies all known potential impacts of the proposed project. The Draft EIR has been prepared, distributed, and reviewed in accordance with applicable CEQA guidelines. The County of San Bernardino, acting as the decision-making authority for the proposed project, is required to consider all relevant data prior to rendering a decision to approve or deny the project. Mr. Quintar's comments are being considered.

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**Letter C6 (1 page)**

## **RESPONSE TO LETTER C6**

### **Ray E. Clark**

**Response to Comment C6-1:** The County would like to thank Mr. Clark for taking the opportunity to review the DEIR and provide a comment. Mr. Clark expressed he had no negative comments concerning the proposed project. The County recognizes Mr. Clark's comments.

**Letter C7 (2 pages)**

**Letter C7 (2 pages)**



## RESPONSE TO LETTER C7

### Wolfgang and Karin Kutter

**Response to Comment C7-1:** As discussed in Section 4.5 of the Draft EIR, visual impacts of the proposed mine expansion will vary according to the vantage point, but overall these impacts will be significant before mitigation. The project proponent will employ the use of stain on exposed areas of rock or covering areas of lighter rock exposure with darker rock which is native from the MCC site. Additionally, the project proponent will revegetate the benches of the proposed mine with native plant species according to **Mitigation Measure VIS-1**. While the revegetation of mined areas will further reduce the visual impacts of the proposed mine expansion, the visual impacts of this project will remain significant after mitigation.

Upon approval of the proposed project, the mitigation measures identified in the Draft EIR become legally binding conditions on the mining operations. Implementation of the proposed project is contingent upon the project proponent's compliance (to the satisfaction of San Bernardino County) with the mitigation measures identified in the EIR.

**Response to Comment C7-2:** Per Section 15131(a) of the *State CEQA Guidelines*, "...Economic or social impacts of a project shall not be treated as significant effects on the environment." Consideration of economic or social impacts is required only when the economic impact will in turn cause environmental impacts. The County appreciates the comment on economic impact and will use this information where appropriate in the process. Acting as the decision-making authority for the proposed project, the County will consider all relevant data prior to rendering a decision to approve or deny the project.

**Response to Comment C7-3:** The proposed project evaluated in this DEIR is a mine expansion for MCC. No other mining company in the near vicinity of the proposed project has submitted an application to the County for another proposed project. Therefore, the County is examining the impacts of the MCC mine expansion.

The County will be able to ensure that MCC follows the mitigation measures that may be required to approve this project. The DEIR has identified numerous mitigation measures for the proposed project. CEQA provides for enforcement of these mitigation measures through the use of Mitigation Monitoring Plans. These plans include milestones, studies, and reporting requirements, depending on the type and nature of the mitigation measure. It is the responsibility of the County to require an adequate Mitigation Monitoring and Compliance Program and to enforce compliance with this program, and the County will do so.

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**Letter C8 (7 pages)**

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**Letter C8 (7 pages)**

## RESPONSE TO LETTER C8

### Gerald Pugh

**Response to Comment C8-1:** Please refer to the Response to Comment C2-11, which addresses the use of tires and biosolids in existing plant operations.

For clarification, the existing permit allows mining through February 2034, not for “another fifteen years.” The proposed project does not include extending the life of the operation. Mr. Pugh’s opinion that expansion of the mine is not necessary is noted and will be considered. As established in Section 3.5 of the Draft EIR, the primary objective of the proposed project to ensure that a supply of limestone of various grades is available to maintain current levels of production of high-quality cement products. Mr. Pugh’s opinion that future technological advances may mitigate for project-related impacts is speculative.

In its role as the Lead Agency, the County is required to consider all relevant data prior to the approval or denial of the proposed project. The continuing monitoring or oversight of the existing and proposed mine by the County of San Bernardino will conform to all applicable County, State, and Federal regulations. Mr. Pugh’s suspicion that the absence of County oversight contributed to other “catastrophic results” elsewhere in the County is not supported by fact and is not relevant to assessment of the proposed project presented in the Draft EIR.

**Letter C9 (1 page)**

## RESPONSE TO LETTER C9

### MD Bartier

**Response to Comment C9-1:** Please refer to the Responses to Comment C3-2, which addresses health issues of the proposed project, and C4-1, which addresses the issue of blasting. As stated in the Draft EIR, mining operations in the proposed expansion will be identical to the current process at the Cushenbury mine. There will not be an increase in the amount of blasting or production; therefore, there will not be an increase in the amount of fallout caused by blasting at the site. In addition, a health risk analysis was performed to ensure that off-site health risks would not be increased for sensitive receptors due to the proposed expansion. Information regarding air quality data, emissions calculations, and health risk calculations is contained in Appendix F of the Draft EIR. Maximum individual cancer risk, the chronic hazard index, and acute hazard index are all below threshold values.

The Commentor's opinions are being considered.

**Letter C10 (2 pages)**

**Letter C10 (2 pages)**

## RESPONSE TO LETTER C10

### David Henggeler

**Response to Comment C10-1:** Please refer to the Response to Comment C2-11, which addresses the use of biosolids at the existing cement kiln to reduce the emission of air pollutants.

**Response to Comment C10-2:** The purpose of CEQA and the EIR process is to thoroughly evaluate and consider all environmental impacts of the proposed project, and mitigate the significant impacts where feasible. This proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine.

The County takes the responsibility of evaluating environmental impacts seriously, and has provided a comprehensive environmental impact report that identifies all known potential impacts of the proposed project. The Draft EIR has been prepared, distributed, and reviewed in accordance with applicable CEQA guidelines and conforms to the County Guidelines for implementing CEQA.

**Response to Comment C10-3:** The County will be able to ensure that MCC follows the mitigation measures that may be required to approve this project. CEQA provides for enforcement of the mitigation measures through the use of the Mitigation Monitoring and Compliance Program. These plans include milestones, studies, and reporting requirements, depending on the type and nature of the mitigation measure. It is the responsibility of the County to require an adequate Mitigation Monitoring and Compliance Program, and the County will do so.

**Response to Comment C10-4:** Because of the general properties of cement, the bags containing cement are required (per California Proposition 65) to be labeled with appropriate warnings. The proposed project assessed in the DEIR is the expansion of the existing mine. As stated in the DEIR, no change or increase in production at the existing cement plant will occur.

**Response to Comment C10-5:** This proposed project is for the expansion of the mine. The existing operations of MCC's cement plant will not change in any way. The impacts to air quality have been evaluated in the DEIR and can be found in Section 4.4. Also, please refer to Responses to Comments C2-11 and C5-1, which explain that there are no significant health risks associated with the existing operation or proposed expansions. There will be no change to the existing operation or production of the cement kiln, so those evaluations of the current operations will remain accurate if the expansion of the mine is approved.

**Response to Comment C10-6:** Please refer to the Response to Comment C10-2, which addresses the County's role and responsibilities under CEQA.

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**Letter C11 (3 pages)**

**Letter C11 (3 pages)**

**Letter C11 (3 pages)**

## RESPONSE TO LETTER C11

### Lorane Abercrombie

**Response to Comment C11-1:** Please refer to the Response to Comment C2-11, which addresses the use of biosolids and tires at the existing cement plant. The EIR addresses the potential impacts associated with the expansion of mine operations. No changes in the manner of operation or production output of the existing cement plant will occur; therefore, issues related to this separate activity were not assessed in the DEIR.

**Response to Comment C11-2:** The proposed project will not increase the frequency or intensity of blasting or the level of production at the existing cement plant. The only change in blasting will occur as the west pit is opened and the location of some blasting will shift west. Please refer to the Response to Comment C4-1 for a discussion of the new blasting method MCC has implemented. This method, which was implemented in response to community concerns, reduces the noise associated with blasting activities.

As stated above, the Response to Comment C2-11 addresses the use of biosolids and tires at the existing cement plant. As detailed on pages 4-30 and 4-31 of the Draft EIR, the right to produce water from the available natural water supply is allocated by the Mojave Basin Area Watermaster. Producers are assigned free production allowances (FPA). Upon implementation of the proposed project, water demand at the MCC mine will total 63.3 af/yr. MCC has been assigned an FPA of 975 af/yr, yet from 1995 to 2002 produced an average of only 511.45 af/yr. Any increase in water required for fugitive dust control can be met through the surplus FPA that MCC would otherwise sell.

Baldwin Lake is an ephemeral or “dry” lake; it holds water during wet seasons and throughout wet years. Water in storage is derived from surface drainage. Big Bear Lake is a surface water storage lake created by the dam at the west end of the lake, on Bear Creek. Fluctuations in the water levels of these lakes are primarily a function of precipitation or the lack of precipitation and the rate of withdrawal from storage.

The contribution of the groundwater table to the volume of water in storage in these lakes is expected to be relatively low due to their topographic position. These lakes sit on top of the mountain and the regional groundwater table is below the elevation of the water in the lakes. These lakes also sit on a mass of rock, which is not conducive to the transmission of water. Water flows through rock through small fissures and fractures and its movement is quite slow compared to alluvial aquifers such as occur in Lucerne Valley. Six miles of bedrock separate the lakes and the quarry. The County is not aware of any explosive use existing or proposed at the quarry that would have an impact on the lakes.

**Letter C12 (2 pages)**

**Letter C12 (2 pages)**

## RESPONSE TO LETTER C12

### Deborah Brenton

**Response to Comment C12-1:** Please refer to the Response to Comment C5-1, which addresses air quality issues related to the proposed project.

**Response to Comment C12-2:** Because of the general properties of cement, the bags containing cement are required (per California Proposition 65) to be labeled with appropriate warnings. The proposed project assessed in the DEIR is the expansion of the existing mine. As stated in the DEIR, no change or increase in production at the existing cement plant will occur.

**Response to Comment C12-3:** Please refer to the Response to Comment C5-1, which addresses air quality issues related to the proposed project.

The CEQA process is a process of public disclosure which relies on public participation. CEQA requires that the Lead Agency (in this case, the County of San Bernardino) to exercise independent judgment in determining the environmental impacts of a proposed project and in deciding whether to approve a project.

The purpose and intent of the Draft EIR is to publicly disclose potential environmental impacts associated with the proposed project, and where feasible, mitigate the resultant environmental impacts. The County takes the responsibility of evaluating environmental impacts seriously, and has provided a comprehensive environmental impact report that identifies all known potential impacts of the proposed project. The Draft EIR has been prepared, distributed, and reviewed in accordance with applicable CEQA guidelines.

The standards, operational requirements, and significance thresholds established by regulatory agencies and governmental entities are not subject to selective acceptance by industry or members of the general public. The County of San Bernardino, acting as the decision-making authority for the proposed project, is required to consider all relevant data prior to rendering a decision to approve or deny the project. Per Section 15093 of the *State CEQA Guidelines*, the County of San Bernardino, acting as the decision-making authority for the proposed project, may approve the EIR for the project for which significant, unmitigated impacts have been identified. Prior to any such approval, the County will be required to prepare a Statement of Overriding Considerations, indicating that the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

**Response to Comment C12-4:** The DEIR estimates the increase in toxic air contaminants from the proposed project, which results primarily from an increase in diesel exhaust from the haul trucks and the water truck. The analysis shows that the increase will not result in a significant health risk to sensitive receptors.

The proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine. The County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of

the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs. Despite the fact that a portion of the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

There are numerous air quality standards in force at the existing MCC cement kiln that help protect community health. MCC is subject to Title V, a Federal operating permit program that requires additional monitoring and recordkeeping to be performed to ensure compliance with permit conditions relating to air pollution control equipment performance. MCC is also subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP), which requires particulate matter (PM) testing every 5 years, dioxin/furan testing every 2.5 years, and continuous temperature monitoring to ensure dust collector performance. A summary of the Portland Cement NESHAP standards that apply to MCC is shown in 3.D. MCC is subject to numerous other State and local air quality standards, and is subject to enforcement from CARB and EPA, as well as local agencies.

**Table 3.D: Requirements for Mitsubishi Cement Units Subject to the Portland Cement NESHAP**

<b>Kiln and Clinker Cooler</b>	<b>Raw Mills and Finish Mills</b>	<b>Solid Material Handling Process</b>
Dioxin/furan, PM, and opacity limits	Opacity limits	Opacity limits
Dioxin/furan, PM, and opacity tests	Opacity tests	Opacity tests
Temperature monitor, and daily VE inspections (certified reader)	Daily VE inspections (certified reader)	Monthly VE inspections (yes/no only)
O&M plan, SSM plan, records and reports	O&M plan, SSM plan, records and reports	O&M plan, SSM plan, records and reports

**Notes:**

NESHAP=National Emission Standard for Hazardous Air Pollutants

PM= Particulate Matter

O&M=Operation and Maintenance

SSM =Startup, Shutdown and Malfunction

VE =Visible Emissions

Neither MCC nor the County of San Bernardino are aware of any study(ies) of toxic exposure in Lucerne Valley, but a screening evaluation of toxic exposure due to the cement plant's emissions has been performed. The screening evaluation, known as a prioritization score calculation, was performed by MDAQMD under the requirements of the AB2588 (Air Toxics Hot Spots) program. The prioritization score calculation is used to evaluate whether a detailed health risk assessment (HRA) is required. The prioritization score calculation for the cement plant, which was based on source test data collected during operation in the presence of tires and biosolids, showed that the health risk was below the threshold at which a detailed HRA is required and, therefore, does not pose a concern for community health.

**Response to Comment C12-5.** According to the Biological Resource Report located in Appendix E of the Draft EIR, and as detailed in Section 4.3, field surveys were conducted on-site in May, June, and July of 2000. There was no evidence of the desert tortoise (*Gopherus agassizii*) on the site.



According to the Biological Resources Report, habitat on the quarry is not suitable for desert tortoises. Because of site's elevation, the poor habitat, and the absence of specimens observed on-site or in similar habitat to the east or west, it was determined that the desert tortoise was absent from the project site. Conditions on the site do not differ substantially from that which existed at the time of the field surveys.

The management of the mine complies fully with all applicable State and Federal regulations mandating the protection of endangered and/or threatened species. The commentor does not provide evidence that desert tortoises are located on-site; that individual tortoises have been killed; or that mine management encourages such activity. The State and Federal Endangered Species Acts forbid the harm, or harassment of an endangered and/or threatened species. Anyone who learns that an unlawful taking of an endangered species has occurred should immediately contact the California Department of Fish and Game at 1 (888) 334-2258 to report the incident.

**Response to Comment C12-6:** The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. The Draft EIR has been prepared, distributed, and reviewed per applicable provisions of the *State CEQA Guidelines*, and the County's guidelines for implementing CEQA. Potential impacts to air quality and visual resources have been adequately assessed, and where feasible, mitigated for in the Draft EIR. The County will consider Ms. Brenton's opinions, as well as all other relevant information prior to making any decision on whether to approve or deny the proposed project.

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**Letter C13 (19 pages)**

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**Letter C13 (19 pages)**

**Letter C13 (19 pages)**

**Letter C13 (19 pages)**

**Letter C13 (19 pages)**

**Letter C13 (19 pages)**

## **RESPONSE TO LETTER C13**

### **Gerald Pugh**

**Response to Comment C13-1:** Please refer to the Response to Comment C2-11, which addresses the use of tires and biosolids in existing plant operations.

**Letter C14 (8 pages)**

**Letter C14 (8 pages)**



**Letter C14 (8 pages)**

**Letter C14 (8 pages)**

**Letter C14 (8 pages)**

**Letter C14 (8 pages)**

**Letter C14 (8 pages)**

**Letter C14 (8 pages)**

## RESPONSE TO LETTER C14

### Betty M. Schmidt

**Response to Comment C14-1:** Please refer to the Response to Comments C5-1 and C2-11, which addresses air quality issues and the use of tires and biosolids at the existing cement plant, respectively. The health risk due to the mine expansion project was evaluated and found to be not significant relative to the health risk criteria established by MDAQMD. This evaluation included the health impacts of both fugitive dust and diesel particulate matter due to the mine expansion activities. Particulate matter can in some cases contain air toxics, but, in this case, most of the particulate matter is road dust, which is similar to ambient dust found in Lucerne Valley unrelated to mining activities. Road dust contains very low concentrations of toxics. While it is true that fugitive dust particulate matter smaller than 10 microns ( $PM_{10}$ ) can enter the lungs, the health risk due to this project (including road dust, all other dust sources, and other air toxics not associated with dust) has been evaluated and shown to be not significant.

The DEIR found that project air quality impacts, including fugitive dust impacts on  $PM_{10}$  levels, will be below significance levels after mitigation. There is no increase in mining throughput due to this project, just shifting of mining activities from one area to another. MCC is currently using every measure required by MDAQMD to control dust. As stated in the DEIR, MCC will be required to go beyond standard MDAQMD fugitive dust reduction measures to implement an enforceable mitigation measure (**AQ-1**) requiring active portions of the mine site, including mine roads, to be watered no less than once every 1.25 hours (eight times in 10 hours), at a rate of no less than 0.11 gallon per square yard. When the effects of the mitigation measure are considered, the air quality impacts of the mine expansion will be below significance levels.

**Response to Comment C14-2:** Please refer to the Response to Comment C4-1, which addresses noise from blasting and the measures MCC has taken to improve the blasting technology used at the mine. Changes in blasting have resulted in a reduction of blasting-related noise.

Per Section 15131(a) of the *State CEQA Guidelines*, “. . . Economic or social impacts of a project shall not be treated as significant effects on the environment.” Consideration of economic or social impacts is required only when the economic impact will in turn cause environmental impacts. The County appreciates the comment on economic impact and will use this information where appropriate in the process. Acting as the decision-making authority for the proposed project, the County will consider all relevant data prior to rendering a decision to approve or deny the project.

**Response to Comment C14-3:** Please refer to the Response to Comments B5-13 and C7-1, which address visual resource impacts.

**Response to Comment C14-4:** Please refer to the Response to Comment C2-11, which address the use of biosolids and tires at the existing cement plant. This response also provides a comparison of emissions from the existing cement plant with regulatory limits.

**Response to Comment C14-5:** Please refer to the Responses to Comments C2-5, C2-6, and C2-8 which address drainage and flooding issues within and near the proposed project site.

**Response to Comment C14-6:** Please refer to the Response to Comment C2-9 which addresses impacts related to water usage and the availability of water.

**Response to Comment C14-7:** Section 3.4 of the DEIR states that the proposed project will only change the size of the mine. MCC would continue to mine until 2034 under the existing permit. Because of these existing rights, mining would continue whether or not this expansion is approved.

The expansion of the existing mine is being sought so that MCC can access a variety of grades of limestone to blend for its cement manufacturing process. As described in the “no project” alternative in Section 6.1 of the DEIR, if MCC is unable to obtain the high grade of limestone from its own mines, it will likely have to import that limestone from other mines for blending with the limestone available from the existing pit.



**Letter C15 (1 page)**

## RESPONSE TO LETTER C15

### Frank Johnson

**Response to Comment C15-1:** Mr. Johnson's views will be considered. It is the determination of the County that the potential environmental impacts resulting from the proposed mine expansion have been adequately assessed in Section 4.0 of the Draft EIR. Where possible, mitigation measures to reduce the significance of these impacts have been identified. Despite the identification of mitigation measures, the analysis in the Draft EIR determined that impacts to the visual character of the project site, biological resources, and cumulative air quality remained. The purpose and intent of the Draft EIR is to publicly disclose potential direct, indirect, and cumulative environmental impacts associated with the proposed project, to identify appropriate mitigation, and alternatives to the proposed action. The Draft EIR has been prepared, distributed, and reviewed in accordance with applicable provisions of CEQA and the County's standards for implementing CEQA.

Per Section 15093 of the *State CEQA Guidelines*, the County of San Bernardino, acting as the decision-making authority for the proposed project, may approve the EIR for the project for which significant, unmitigated impacts have been identified. Prior to any such approval, the County will be required to prepare a Statement of Overriding Considerations, indicating that the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

**Letter C16 (1 page)**

## **RESPONSE TO LETTER C16**

**Charles K. Powell**

**Response to Comment C16-1:** Please refer to the Response to Comment C5-1, which addresses potential air quality impacts related to the proposed project.

**Response to Comment C16-2:** Please refer to the Response to Comment C7-1, which addresses visual impacts of the proposed project.

**Response to Comment C16-3:** Please refer to the Responses to Comments C2-1, C2-11, and C5-1, which address air quality issues related to the proposed project.

Section 4.2 of the DEIR discloses the potential impacts on groundwater from mining activities, which include the use of explosives as well as removal of rock. Section 4.2 also, requires mitigation for this potential, and concludes that the impact after mitigation would be less than significant. Mitigation for these impacts includes establishing additional monitoring wells and maintaining a minimum separation between the quarry floor and the groundwater table as determined through the monitoring program.

**Letter C-17 (2 pages)**

**Letter C17 (2 pages)**

## **RESPONSE TO LETTER C17**

**Donald E. Mueller**

**Response to Comment C17-1:** Please refer to the Responses to Comments B5-13 and C7-1.

**Response to Comment C17-2:** Mining in the existing East Pit includes the use of explosives to loosen the rock. The only change in blasting associated with the proposed project is that with the opening of the West Pit, the location of some of the blasting activity will move westward.

In light of concerns expressed during the public comment period, MCC has explored alternative techniques designed to reduce the noise associated with blasting. Commencing January 2004, MCC has begun using the Nonel EZ Det System rather than using a detonation cord to initiate the millisecond delay blasting system. The new system eliminates the use of detonation cord on the surface, which was the primary factor in blasting noise (Letter from Mr. Biggs dated March 8, 2004). Due to the fact that there will be no increase in blasting associated with the project, and the efforts of the company to reduce the noise associated with existing blasting, the project will have no significant adverse impact due to blasting.

**Response to Comment C17-3:** The comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR. Mr. Mueller's comments and opinions will be considered.

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**Letter C18 (1 page)**

## RESPONSE TO LETTER C18

### Lynne Patterson

**Response to Comment C18-1:** Mr. Ron Barto prepared the groundwater report for the project. Mr. Barto is a Registered Geologist (No. 3356) and a Certified Engineering Geologist (No. 966). He has conducted monitoring work at this site for over 20 years. Kleinfelder and LSA reviewed his work under contract to the County of San Bernardino, as did Mr. Wes Reeder, the County Geologist. Kleinfelder staff included Mr. Iqbal Mahmood, who holds a Ph.D., and is a Registered Professional Engineer; Mr. Michael Cook who is a Registered Geologist and Certified Engineering Geologist; and Mr. Richard Escandon who also is a Registered Geologist and Certified Engineering Geologist.

Contrary to the comment, Kleinfelder did not describe the DEIR or test results in the DEIR as incomplete. Nor did Kleinfelder describe the Barto analysis as incomplete. Kleinfelder observed, as did Barto, that data collection regarding groundwater elevation had been sporadic in the past. Kleinfelder also observed, consistent with the Barto analysis, that some of the available data regarding groundwater elevation was questionable due to interference caused by drilling methodology. Kleinfelder, Mr. Barto, LSA, and Mr. Reeder (County Geologist) provided expert opinion regarding the potential impacts of the proposed project, based on their experience and the available data.

The same qualified individuals from Kleinfelder signed both the April 29, 2002, letter and the May 21, 2002, letter. The May 21, 2002, letter is identified as an addendum to clarify points in the first letter. The conclusions and recommendations of the first letter and the clarifications provided in the second are nearly identical, with three primary exceptions. The first exception concerns the fault trace analysis. The first letter identified this analysis, and the second letter clarified it as a recommendation for the monitoring program, specifically with regard to locating additional monitoring wells. The second difference between the two letters is that the April letter recommended two additional monitoring wells, while the May letter recommended three additional monitoring wells. **Mitigation Measure HYD-1** requires at least three additional monitoring wells. Finally, the April letter did not include any conclusion regarding the impacts of the proposed project. This was clarified by the May letter, in which Kleinfelder concluded: "We concur that the expansion of the Cushenberry [sic] Mine, as described to us, should not increase the risk of adverse impacts to groundwater."

**Mitigation Measure HYD-1** reflects the Kleinfelder recommendations. In fact, this measure goes farther in that it authorizes the County Geologist to require additional measures, as the results of future monitoring become available. The addition of new monitoring wells and additional years of monitoring are expected to resolve any uncertainty regarding the precise groundwater elevation. The additional wells and monitoring are to be established long before the quarries reach the predicted groundwater elevation. The quarries are to remain no closer than 25 feet to monitored groundwater elevations. The Draft EIR states the Groundwater Monitoring Program will be prepared prior to the commencement of expansion of the mine. The Program will require separate review and approval by the County Geologist. Inclusion of the Program in the Final EIR is not required.

Section 4.2 of the Draft EIR discloses the potential impacts on groundwater from mining activities, which include use of explosives as well as removal of rock. Section 4.2 also requires mitigation for potential impacts and concludes that the impact after mitigation would be less than significant. Mitigation for these impacts includes establishing additional monitoring wells and maintaining a

minimum separation between the quarry floor and the groundwater table as determined through the monitoring program.

The DEIR addressed the potential impact to Cushenbury Springs and concluded that the project would not impact the springs due primarily to hydraulic separation between the groundwater basins at the quarry, the cement plant, and the springs. Faults separate the quarry from the cement plant and the cement plant from Cushenbury Springs. MCC has identified Cushenbury Springs for preservation and no use is proposed for this area.

**Response to Comment C18-2:** The hydrogeologic report included as Appendix C to the DEIR, presents the available data regarding groundwater elevation from (1) exploratory drill holes, (2) water supply wells, and (3) groundwater monitoring wells. Analysis of samples from existing groundwater monitoring wells demonstrates that there are no hazardous substances or hazardous wastes present in the groundwater as a result of past or present mining activities. Groundwater monitoring results are submitted regularly to the Regional Water Quality Control Board, and have been included in the EIR as Appendix I. The appendix includes quarterly reports for MCC monitoring wells numbers 1 through 3 from 1996 to as recent as the fourth quarter of 2003. The California drinking water limits, known as Maximum Contaminant Levels are included in this Appendix to provide a frame of reference for the quality of the water found in those wells. The reports contained in Appendix I are the same reports that have been regularly submitted to the Regional Water Quality Control Board; therefore, groundwater quality data has been fully and sufficiently disclosed.

**Response to Comment C18-3:** Please refer to the Response to Comment C18-1. The proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine. There will be no change in the emissions from the cement plant stacks, nor will there be any change in deposition from the cement plant.

The County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs.

The health risk due to the mine expansion project was evaluated in Section 4.4 of the DEIR and found not to be significant relative to the health risk criteria established by MDAQMD. This evaluation included the health impacts of both fugitive dust and diesel particulate matter due to the mine expansion activities. Fugitive dust can in some cases contain air toxics, but, in this case, most of the fugitive dust is road dust, which is similar to ambient dust found in Lucerne Valley unrelated to mining activities.

The DEIR also analyzed the potential impact due to an increase in toxic air contaminants, in particular from diesel exhaust. The analysis shows that the project will not have a significant impact relating to risk of cancer or non-cancer chronic diseases or acute health risks.

**Response to Comment C18-4:** The Mojave Water Agency (MWA) has been contacted regarding the availability of any such "...soon to be released study." The County understands that the MWA is contemplating a new water basin study, but there is no expectation that a report would be furnished in the near future. Interested members of the public should contact the MWA at (760) 946-7000. A copy of the Draft EIR was provided to the MWA and the County understands that the MWA accepts the conclusions on Hydrology in the DEIR. Correspondence from the MWA Appendix attesting to this fact are included in Appendix L.

The Mojave water basin is an adjudicated basin which requires that the MWA, acting as the Watermaster, ensure the continued availability of water over time. The Watermaster has set allowances for all well owners based on the potential occurrence of drought and for periods of increased rainfall. The MWA has stated, "...Mitsubishi remains a stipulating party in good standing" of the Mojave Basin Area Judgment. Interested members of the public should contact the Mojave Water Agency at (760) 946-7000.

**Response to Comment C18-5:** The Draft EIR does not propose the installation or operation of an air quality monitoring station. Monitoring stations are established, maintained, and monitored by the MDAQMD. The MDAQMD has primary responsibility for regulating stationary sources of air pollution situated within its jurisdictional boundaries. The MDAQMD implements air quality programs required by State and Federal mandates, enforces rules and regulations based on air pollution laws, and educates businesses and residents about their role in protecting air quality. The MDAQMD adopts rules, sets policies, and provides direction on important air quality issues that affect the Mojave Desert.

In compliance with CEQA, the County identified air quality as a possible area of environmental impact for the proposed MCC mine expansion project. As described in the Section 4.4 of the Draft EIR, project-related air quality will not exceed thresholds established by the MDAQMD.

On-site emissions would increase due to additional truck exhaust because of the longer haul trips required to reach the West Pit. However, the estimate of emission increases for NO<sub>x</sub>, VOC, CO, and SO<sub>x</sub> from the additional truck exhaust would remain well below MDAQMD significance thresholds. Only increases in PM<sub>10</sub> from fugitive dust would be considered significant according to the MDAQMD thresholds. Because of that significant impact, the project proponent will mitigate the PM<sub>10</sub> impact to less than significant levels through increased use of water for dust control on haul roads.

The DEIR also analyzed the potential impact due to an increase in toxic air contaminants, in particular from diesel exhaust. The analysis shows that the project will not have a significant impact relating to risk of cancer or non-cancer chronic diseases or acute health risks.

**Response to Comment C18-6:** The Commentor's views will be considered. It is the determination of the County that the potential environmental impacts resulting from the proposed mine expansion have been adequately assessed in Section 4.0 of the Draft EIR. Where possible, mitigation measures to reduce the significance of these impacts have been identified. Despite the identification of mitigation measures, the analysis in the Draft EIR determined that impacts to the visual character of the project site, biological resources, and cumulative air quality remained significant. The purpose and intent of

the Draft EIR is to publicly disclose potential direct, indirect, and cumulative environmental impacts associated with the proposed project, and to identify appropriate mitigation and alternatives to the proposed action. The Draft EIR has been prepared, distributed, and reviewed in accordance with applicable provisions of CEQA and the County's standards for implementing CEQA.

Per Section 15093 of the *State CEQA Guidelines*, the County of San Bernardino, acting as the decision-making authority for the proposed project, may approve the EIR for the project for which significant, unmitigated impacts have been identified. Prior to any such approval, the County will be required to prepare a Statement of Overriding Considerations, indicating that the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

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**Letter C19 (1 page)**

## RESPONSE TO LETTER C19

### Bette Mack-Hinojosa

**Response to Comment C19-1:** The DEIR evaluates the impacts of the proposed project on hydrology in Section 4.2, air quality in Section 4.4, and visual impacts in Section 4.5. The DEIR concludes that there will be project-related and cumulative significant adverse impacts on visual resources, even after mitigation. The DEIR also concludes that there will be cumulatively significant impacts on air quality due to  $PM_{10}$  emissions from the proposed project in combination with the proposed Rancho Lucerne development. Under CEQA, the project may be approved only if the County adopts certain findings, including a Statement of Overriding Considerations if impacts remain significant after mitigation. Ms. Mack-Hinjosa's comments will be considered.



**Letter C20 (1 page)**

## **RESPONSE TO LETTER C20**

### **Mr. and Mrs. Stanley Peters**

**Response to Comment C20-1:** Baldwin Lake is an ephemeral or “dry” lake; it holds water during wet seasons and throughout wet years. Water in storage is derived from surface drainage. Big Bear Lake is a surface water storage lake created by the dam at the west end of the lake, on Bear Creek. Fluctuations in the water levels of these lakes are primarily a function of precipitation or the lack of precipitation and the rate of withdrawal from storage.

The contribution of the groundwater table to the volume of water in storage in these lakes is expected to be relatively low due to their topographic position. These lakes sit on top of the mountain and the regional groundwater table is below the elevation of the water in the lakes. These lakes also sit on a mass of rock, which is not conducive to the transmission of water. Water flows through rock through small fissures and fractures and its movement is quite slow compared to alluvial aquifers such as occur in Lucerne Valley. Six miles of bedrock separate the lakes and the quarry. The County is not aware of any explosive use existing or proposed at the quarry that would have an impact on the lakes. Impacts due to blasting are disclosed in Section 4.1 of the DEIR.

**Response to Comment C20-2:** Please refer to the Responses to Comments A6-1 and C2-9.

**Letter C21 (1 page)**

## **RESPONSE TO LETTER C21**

### **Gerald Pugh**

This comment letter is a form letter, signed by Mr. Pugh, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C22 (1 page)**

## **RESPONSE TO LETTER C22**

### **Thomas Hillary**

This letter consists of a form letter, signed by Mr. Hillary, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C23 (1 page)**

## **RESPONSE TO LETTER C23**

### **Betty Schmidt**

This letter consists of a form letter, signed by Ms. Schmidt, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.



**Letter C24 (1 page)**

## **RESPONSE TO LETTER C24**

### **Pat and Bonnie Casey**

This letter consists of a form letter, signed by Mr. and Mrs. Casey, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C25 (1 page)**

## **RESPONSE TO LETTER C25**

### **Norman and Linda Dudley**

This letter consists of a form letter, signed by Mr. and Mrs. Dudley, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C26 (1 page)**

## **RESPONSE TO LETTER C26**

### **Eduardo Dominguez**

This letter consists of a form letter, signed by Mr. Dominguez, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C27 (1 page)**

## **RESPONSE TO LETTER C27**

### **Dale C. Ken**

This letter consists of a form letter, signed by Mr. Ken, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.



**Letter C28 (1 page)**

## RESPONSE TO LETTER C28

### Richard Shotton

**Response to Comment C28-1:** The proposed project assessed in the DEIR is the expansion of the mine. The proposed project does not include any changes in the operation of the cement plant. Please refer to the Response to Comment C2-11, which addresses the use of biosolids and tires in the operation of the existing plant.

**Response to Comment C28-2:** Please refer to the Response to Comments A6-1 and C3-1, which address the proposed project's potential impacts to groundwater.

**Response to Comment C28-3:** Please refer to the Response to Comment C7-1, which addresses the visual impacts of the proposed project. Reclamation of the mined areas will be an ongoing activity that extends throughout the operating life of the mine and beyond (2039). The reclamation plan has been prepared in accordance with all applicable provisions of the SMARA.

**Letter C29 (7 pages)**

**Letter C29 (7 pages)**

**Letter C29 (7 pages)**

**Letter C29 (7 pages)**

**Letter C29 (7 pages)**

**Letter C29 (7 pages)**



**Letter C29 (7 pages)**

## RESPONSE TO LETTER C29

### Charles Abela

**Response to Comment C29-1:** The Archeological Information Center is a repository for cultural resources information and reports. The Center generally does not perform surveys. The statement that no historical or cultural resources are known to exist is the result of reviewing the Center's database. This means that there are no records on file. Due to the lack of specific surveys combined with a possibility of the occurrence of resources in the general vicinity, the Archaeological Information Center recommended that a survey of the site be conducted. That survey was conducted in February of 2004 and no resources were found. Accordingly, the project will not have a significant adverse impact on cultural resources and no mitigation is necessary. The report of the survey is included in Appendix J.

**Response to Comment C29-2:** Appendix C of the Draft EIR contains an update of hydrogeologic conditions of the Cushenbury mine and site. Mr. Ron Barto prepared the groundwater report for the project. Mr. Barto is a Registered Geologist (No. 3356) and a Certified Engineering Geologist (No. 966). He has conducted monitoring work at this site for over 20 years. Kleinfelder, Inc., reviewed Mr. Barto's work under contract to the County of San Bernardino. Kleinfelder staff included Mr. Iqbal Mahmood, who holds a Ph.D. and is a Registered Professional Engineer; Mr. Michael Cook who is a Registered Geologist and Certified Engineering Geologist; and Mr. Richard Escandon who also is a Registered Geologist and Certified Engineering Geologist. These reports were reviewed and approved by the San Bernardino County Geologist, and were determined to be adequate for inclusion in the Draft EIR. While the Mr. Abela asserts these reports were prepared by unqualified persons, he does not provide any evidence to support his claim, nor does he provide evidence to rebut the conclusions set forth in the Draft EIR.

Section 4.2 of the DEIR discloses the potential impacts on groundwater from mining activities, which include the use of explosives as well as removal of rock. Section 4.2 also, requires mitigation for this potential, and concludes that the impact after mitigation would be less than significant. Mitigation for these impacts includes establishing additional monitoring wells and maintaining a minimum separation between the quarry floor and the groundwater table as determined through the monitoring program.

The DEIR addresses the potential impact to Cushenbury Springs and concludes that the project would not impact the springs due primarily to hydraulic separation between the groundwater basins at the quarry, the cement plant, and the springs. Faults separate the quarry from the cement plant and the cement plant from Cushenbury Springs. MCC has identified Cushenbury Springs for preservation and no use is proposed for this area.

**Response to Comment C29-3:** A biological survey of the proposed project site was performed and can be found at Appendix E of the DEIR. No threatened or endangered species are predicted to be in jeopardy of extinction due to the project or its cumulative impact.

The desert tortoise is listed in Section 4.3.1 of the DEIR and recognized as a special status species that occurs in sites similar to the proposed project site. However, there has been no evidence of the presence of the desert tortoise at the MCC plant. Based on known habitat ranges of the desert tortoise,

the proposed project site is not an area where desert tortoises are expected to be found since the habitat is poor, the topography of the site is relatively steep, and the site is at the upper margin of the tortoise's elevation range.

The assessment of potential impacts to Nelson's bighorn sheep is included in Section 4.3.5.2 of the Draft EIR. **Mitigation Measures BIO-4** through **BIO-13** have been developed with input from the CDFG and require the project proponent to engage in extensive consultation and coordination with the CDFG to 1) establish the location of compensatory habitat and water sources, 2) conduct a literature search and survey related to the identification of beneficial forage species, and 3) fund the monitoring and research of the resident herd. The scope and specificity of these efforts will be established during the consultation and coordination with the CDFG that is set forth in these measures. Although the individual impacts on the herd are likely not to be significant, the herd is small and it is unclear whether the impacts would combine to be significant; therefore, potential would remain significant after mitigation.

Subsequent to the release of the DEIR, Professor Paul Krausman, Ph.D., a recognized national expert in sheep populations with over 25 years of studying desert bighorn sheep, has produced a report that details his observations about this particular herd of sheep relative to the proposed project. In addition to his extensive expertise with respect to bighorn sheep, Professor Krausman based his observations on his site visit to the MCC mine and surrounding areas, his consultation with CDFG representatives, and his review of the DEIR for this proposed project.

In general, this report concludes that the local bighorn herd can co-exist with area mining with appropriate mitigation, and that the mitigation measures offered in the DEIR will reduce impacts to the sheep. While mining can alter habitat and create a disturbance, mining can also provide protection from threats such as disease from livestock. In particular, once reclamation is achieved, the site can provide sought-after forage habitat in proximity to escape terrain. Professor Krausman's report has been added to the EIR as Appendix K.

**Response to Comment C29-4:** Please refer to the Response to Comment C7-1, which addresses visual impacts of the proposed project.

**Response to Comment C29-5:** Please refer to the Response to Comment C2-4, which addresses the revegetation and reclamation of the project site. Both the DEIR and the CHMS recognize the importance of perpetuating the carbonate plant species. The Draft EIR contains **Mitigation Measure BIO-3**, which provides the project proponent the option of participating in the CHMS developed by the Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service, and the County of San Bernardino. The CHMS was developed, "... to facilitate economic limestone mining activity while conserving the Carbonate Plants ..." Compliance with the CHMS will allow both mining of limestone and conservation of the carbonate plant species. **Mitigation Measures BIO-1** and **-2** provide an alternative to the CHMS program. The County recognizes that the U.S. Forest Service encourages the adoption of **Mitigation Measure BIO-3**. This measure allows Mitsubishi to elect to follow **Mitigation Measure BIO-3**, so long as the County determines that it is "...functionally equivalent" to **Mitigation Measures BIO-1** and **BIO 2**.

Despite the identification of mitigation measures, the analysis in the Draft EIR determined that impacts to biological resources remained significant. The purpose and intent of the Draft EIR is to publicly disclose potential direct, indirect, and cumulative environmental impacts associated with the proposed project, to identify appropriate mitigation, and alternatives to the proposed action. Per Section 15093 of the *State CEQA Guidelines*, the County of San Bernardino, acting as the decision-making authority for the proposed project, may approve the EIR for the project for which significant, unmitigated impacts have been identified. Prior to any such approval, the County will be required to prepare a Statement of Overriding Considerations, indicating that the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

**Response to Comment C29-6:** Please refer to the Response to Comment Letter A9, from the Department of Conservation, Office of Mine Reclamation regarding the adequacy of the Reclamation Plan.

**Letter C30 (1 pages)**

## RESPONSE TO COMMENT LETTER C30

### Desma Sharp

**Response to Comment C30-1:** The release of the DEIR was announced in the required Notice of Completion which was filed with the Governor's Office of Planning and Research (OPR). This form of notice is what is required by law under *CEQA Guidelines* Section 15085.

Further, the *CEQA Guidelines* encourage posting on the Internet of the DEIR under Section 15085(e), but do not require it. The County has posted the Notice of Availability and the entire DEIR on the County website at <http://www.sbcounty.gov/landuseservices>. As described in the Notice of Availability, released on December 9, 2003, the County made the DEIR available for public review at the following locations: San Bernardino Land Use Service Department, San Bernardino County Library, San Bernardino County Offices, Lucerne Valley Chamber of Commerce, Lucerne Valley Library, Lucerne Valley High School, and the Lucerne Valley Senior Center.

Additionally, under *CEQA Guidelines* Section 15087, a lead agency such as the County must provide public notice of the availability of a DEIR at the same time it sends a notice of completion to the OPR. The County is required to send notice to any member of the public who requests it. In addition, the County must give notice by at least one of the following procedures: (1) publication at least one time in a newspaper of general circulation in the area affected by the proposed project; (2) posting of the notice on and off the site in the area where the project is to be located; or (3) direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. The County notices were sent by distribution of the Notice of Preparation on October 4, 2001, and distribution of the Notice of Availability on December 9, 2003. Both of these distributions were made to all contiguous properties.

Finally, the County is aware that MCC provided its own forms of notice by issuing a press release on December 13, 2003, announcing that the DEIR was available from the County at the Lucerne Valley Public Library, the Senior Center, the High School, the Chamber of Commerce, and County offices in Victorville and at the Planning Department in San Bernardino. MCC also ran a newsletter announcing the release of the DEIR which was inserted into 4,500 *Leader* subscribers in its January 14, 2004, publication. MCC provided a Holiday Greetings advertisement announcing locations that the public could find the DEIR on December 24 and 31, 2003. Finally, MCC also ran advertisements regarding its open house events, which were sponsored by the Municipal Advisory Committee, on January 7, 14, and 21 of 2004 in the *Leader*.

It is important to note that the public comment period is the time period when members of the public can comment on the contents of the DEIR. This project is still subject to approval by the County Planning Commission. This process is a public hearing and will be held at a date to be announced.

**Response to Comment C30-2:** Section 4.4 of the Draft EIR assessed potential project-related air quality emissions that may result from implementation of the proposed project. As established in the Draft EIR, with the implementation of mitigation measures, potential project-related emissions would not exceed thresholds established by the MDAQMD. A health risk analysis was performed to ensure that off-site health risks would not be increased for sensitive receptors (including school children) due to the proposed expansion. Information regarding air quality data, emissions calculations, and health

risk calculations is contained in Appendix F of the Draft EIR. Maximum individual cancer risk, the chronic hazard index, and acute hazard index are all below threshold values.

Section 5.1 of the Draft EIR identifies the significant and unavoidable impacts that will result from development of the proposed mine expansion. Emissions from the development of cumulative projects within the Lucerne Valley will exceed MDAQMD thresholds for PM<sub>10</sub> and NO<sub>x</sub>. While the proposed project will implement mitigation to reduce the emissions, the cumulative effects of these emissions will remain significant and unavoidable. As stated in the Response to Comment C12-3, the County may approve a project (subject to Section 15093 of the *State CEQA Guidelines*) if the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

**Response to Comment C30-3:** Expansion of the west pit would increase the length of vehicle trips only on the dirt haul roads within the mine area. As discussed in the Section 3.4 of the Draft EIR, there will not be an increase in the overall rate of production for the mine and no increase in off-site truck trips transporting product from the site. No increase in traffic on National Trails Highway will result from the proposed project.

**Response to Comment C30-4:** The health risk due to the mine expansion project was evaluated in Section 4.4 of the DEIR and found not to be significant relative to the health risk criteria established by MDAQMD. This evaluation included the health impacts of both fugitive dust and diesel particulate matter due to the mine expansion activities. Particulate matter can in some cases contain air toxics, but, in this case, most of the particulate matter is road dust, which is similar to ambient dust found in Lucerne Valley, unrelated to mining activities. The DEIR also analyzed the potential impact due to an increase in toxic air contaminants, in particular from diesel exhaust. The analysis shows that the project will not have a significant impact relating to risk of cancer or non-cancer chronic diseases or acute health risks.

As discussed on page 4-63 of the Draft EIR, impacts to bird nests are a less than significant impact. Bird species potentially nesting on the site are all non-listed and have a relatively wide range, so impact to birds would be less than significant. No impact to migratory or nesting birds was identified in the Draft EIR.

**Response to Comment C30-5:** Section 15131 of the *State CEQA Guidelines* states, "Economic or social effects of a project shall not be treated as significant effects on the environment." While an EIR may assess the physical effects that result from the social or economic conditions caused by a project, the commentor does not provide evidence to support her claim that the proposed expansion will affect property values or cause physical changes in the Silver Lakes community, located approximately 40 miles northwest of the project site. The commentor's opinion will be considered.

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**Letter C31 (1 page)**

## **RESPONSE TO LETTER C31**

### **Carolyn Wing**

**Response to Comment C31-1:** Please see the Response to Comment C5-1, which addresses impacts related to air quality as a result of this project. Additionally, please see the Response to Comment C3-1, which addresses impacts related to water quality and hydrology in general, along with the associated mitigation measures. Ms. Wing's views will be considered.

**Letter C32 (1 page)**

## **RESPONSE TO LETTER C32**

### **Joe Edward Herring**

This letter consists of a form letter, signed by Mr. Herring, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C33 (1 page)**

## **RESPONSE TO LETTER C33**

### **Anna and Darrel Chambless**

This letter consists of a form letter, signed by Mr. and Mrs. Chambless, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C34 (1 page)**

## **RESPONSE TO LETTER C34**

### **Paul E. Kerr**

This letter consists of a form letter, signed by Mr. Kerr, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.



**Letter C35 (1 page)**

## **RESPONSE TO LETTER C35**

### **Craig R. Anderson**

This letter consists of a form letter, signed by Mr. Anderson, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C36 (1 page)**

## **RESPONSE TO LETTER C36**

### **Valerie Holliday**

**Response to Comment C36-1:** The DEIR addresses the potential impacts associated with the proposed mine expansion project. Because no change in the operation of the existing cement plant will occur, activities associated with the operation of this facility were not discussed in the DEIR. Please refer to the Response to Comment C2-11, which addresses the use of biosolids at the existing cement plant.

**Response to Comment C36-2:** Please refer to the Section 4.5 of the DEIR, which assesses the potential visual impacts associated with the proposed mine expansion project, as well as the Response to Comment C7-1, which addresses visual resource issues and associated mitigation measures.

**Letter C37 (1 page)**

## **RESPONSE TO LETTER C37**

**James L. Steedly**

**Response to Comment C37-1:** The County would like to thank Mr. Steedly for taking the opportunity to review the DEIR and provide a comment. The County recognizes and will consider Mr. Steedly's comment in opposition to the proposed expansion project.

**Letter C38 (1 page)**

## **RESPONSE TO LETTER C38**

### **Lorane Abercrombie**

This letter consists of a form letter, signed by Ms. Abercrombie, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.



**Letter C39 (1 page)**

## **RESPONSE TO LETTER C39**

### **Cecil N. M<sup>c</sup>Cormick**

This letter consists of a form letter, signed by Mr.M<sup>c</sup>Cormick, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C40 (1 page)**

## **RESPONSE TO LETTER C40**

### **Lily M<sup>c</sup>Cullough**

This letter consists of a form letter, signed by Ms. M<sup>c</sup>Cullough, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

A health risk analysis was performed to ensure that off-site health risks would not be increased for sensitive receptors (including school children) due to the proposed expansion. Information regarding air quality data, emissions calculations, and health risk calculations are contained in Appendix F of the Draft EIR. Maximum individual cancer risk, the chronic hazard index, and acute hazard index are all below threshold values.

**Letter C41 (1 page)**

## **RESPONSE TO LETTER C41**

### **J.L. Abercrombie**

This letter consists of a form letter, signed by J.L. Abercrombie, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C42 (1 page)**

## **RESPONSE TO LETTER C42**

### **Nola L. Winegar**

This letter consists of a form letter, signed by Ms. Winegar, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.



**Letter C43 (1 page)**

## **RESPONSE TO LETTER C43**

### **Leland and Colleen Hanson**

This letter consists of a form letter, signed by Mr. and Mrs. Hanson, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C44 (1 page)**

## **RESPONSE TO LETTER C44**

### **Albriso**

This letter consists of a form letter that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C45 (5 pages)**

**Letter C45 (5 pages)**

**Letter C45 (5 pages)**

**Letter C45 (5 pages)**



**Letter C45 (5 pages)**

## RESPONSE TO LETTER C45

### Zach Tipton

**Response to Comment C45-1:** Information regarding air quality data, emissions calculations, and health risk calculations is contained in Appendix F, and is summarized in Section 4.4 of the Draft EIR. As described in the Draft EIR, emissions resulting from the proposed mining operations are well below the MDAQMD established thresholds for criteria pollutants. The health risk due to the mine expansion project was evaluated and found not to be significant relative to the health risk criteria established by MDAQMD. Maximum individual cancer risk, the chronic hazard index, and acute hazard index are all below threshold values. Fugitive dust can in some cases contain air toxics, but, in this case, most of the fugitive dust is road dust, which is similar to ambient dust found in Lucerne Valley unrelated to mining activities. Road dust contains very low concentrations of air toxics. While it is true that fugitive dust particulate matter smaller than 10 microns (PM<sub>10</sub>) can enter the lungs, the health risk due to this project (including road dust, all other dust sources, and other air toxics not associated with dust) has been evaluated and shown not to be significant for this project.

The comment describes observations of a cloud or haze over the existing cement plant. The proposed project will not alter the operations of the cement plant. Further, the County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality and other State and Federal regulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

With respect to the concern regarding a cloud or haze near the plant, MCC is required to perform daily kiln opacity measurements, using accepted opacity measurement methods, and has not exceeded opacity standards in the past five years. MCC believes that the "blue haze" phenomenon that neighbors have observed is an artifact of the light refracting through the exhaust, particularly on cool mornings. MCC has previously received comments about "blue haze" and has promptly investigated, but has found no operating problems at the plant.

Upon approval of the proposed project, the mitigation measures identified in the Draft EIR will become legally binding conditions required for the operation of the mine expansion. The commentor's views will be considered by County decision-makers.

**Response to Comment C45-2:** Section 4.3 of the DEIR evaluates the impacts of the proposed project on biology, including Nelson's bighorn sheep and carbonate plants. As shown in Figure 4.3.6 of the Draft EIR, the proposed project will not occur within the Marble Canyon lambing area. As stated in the Draft EIR, "...mining will not generally be visible from any point within the lambing area because mining will occur on the north-facing slope, and an intervening ridge will continue to stand between the lambing area and the pit." **Mitigation Measures BIO 4** through **BIO-13** require extensive consultation and coordination with the CDFG to 1) establish the location of compensatory habitat and water sources, 2) conduct of a literature search and survey related to the identification of beneficial forage species, and 3) fund the monitoring and research of the resident herd. The scope and

specificity of these efforts will be established during the consultation and coordination with the CDFG that is set forth in these measures.

The DEIR concludes that there will be project-related and cumulative significant adverse impacts on biology relative to carbonate plants and Nelson's bighorn sheep. Despite reclamation efforts and the implementation of mitigation measures, these impacts would remain significant. Per Section 15093 of the *State CEQA Guidelines*, the County of San Bernardino, acting as the decision-making authority for the proposed project, may approve the EIR for the project for which significant, unmitigated impacts have been identified. Prior to any such approval, the County will be required to prepare a Statement of Overriding Considerations, indicating that the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion. Mr. Tipton's comments, and the views of others, are being considered by the County in making that decision.

**Response to Comment C45-3:** Please refer to the Response to Comment C2-4.

**Response to Comment C45-4:** The proposed project does not change the fuels used nor how they are stored or handled. The project impacts to water quality are evaluated in Section 4.2.5 of the DEIR.

The County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Fregulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

MCC uses a fuel tank to provide fuel for its diesel haul trucks. In 1992, a small leak was discovered next to an underground tank that contained gasoline. This leak was near a fuel station next to the underground tank. A very low level of MTBE – a constituent of gasoline – was found in the soil that was excavated. MCC worked with the County of San Bernardino, County Fire Department immediately to remove the tank, remediate the leakage and establish a follow-on monitoring system to ensure that no contamination would enter into groundwater. The levels of the MTBE found in the monitoring well were either below California drinking water limits or not detectable. As a result, the County considered the issue resolved and closed the site in 2002. This matter was officially closed by notification in the Remedial Action Completion Certification letter from Mr. Peter S. Brierty, Division Chief, Hazardous Material Division to Mr. Douglas Shumway of MCC dated December 3, 2002.

The potential effects of blasting on the water table have been examined in Section 4.2.5.1 of the DEIR. Specifically, **Mitigation Measure HYD-2** requires that in order to avoid an interception and/or interruption of the groundwater table, quarrying operations shall not be permitted within 25 feet of the monitored groundwater levels. This level was originally proposed to be 8 feet by MCC and was increased to 25 feet after review by the County geologist.

**Response to Comment C45-5:** The County understands that there are three mining operations in the mountain range referenced in this comment letter. Of those three operations, only MCC has submitted a proposal for expansion. As evaluated in Section 4.5 of the DEIR, visual impacts associated with the proposed project will occur as a result of the mining operations of the proposed expansion, removal of mature vegetation, and change in topography of the natural slope. These impacts are considered to be substantial, individually and cumulatively. Mitigation measures will reduce this impact once mining operations and reclamation of the slopes is complete. However, the visual impacts will remain significant.

Under CEQA when project impacts remain significant, even after mitigation. Per Section 15093 of the *State CEQA Guidelines*, the County of San Bernardino, acting as the decision-making authority for the proposed project, may approve the EIR for a project for which significant, unmitigated impacts have been identified. Prior to any such approval, the County will be required to prepare a Statement of Overriding Considerations, indicating that the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

**Letter C46 (1 page)**

## **RESPONSE TO LETTER C46**

### **Robert Otwell**

**Response to Comment C46-1:** The County would like to thank Mr. Otwell for taking the opportunity to review the DEIR and provide a comment. While Mr. Otwell's comment does not raise any substantive environmental issues regarding the adequacy of the Draft EIR, his opposition to the proposed expansion project is noted. Mr. Otwell's opinion will be considered.

**Letter C47 (1 page)**

## **RESPONSE TO LETTER C47**

### **Rita Mercer**

**Response to Comment C47-1:** The County would like to thank Ms. Rita Mercer for taking the opportunity to review the DEIR and provide a comment and recognize her opposition to the proposed expansion project. Ms. Mercer's views will be considered.



**Letter C48 (1 page)**

## RESPONSE TO LETTER C48

### Freddie Cummings

**Response to Comment C48-1:** This DEIR is for the expansion of the limestone mine and will not change the operation of the cement plant. There will be no increase of production at the cement plant and the use of biosolids and tire-derived fuel (TDF) will not change. Please see Response to Comment C2-11, which addresses the existing use of biosolids and TDF at the cement plant.

The health risk due to the mine expansion project was evaluated in Section 4.4 of the DEIR and found not to be significant relative to the health risk criteria established by MDAQMD. This evaluation included the health impacts of both fugitive dust and diesel particulate matter due to the mine expansion activities. Particulate matter can in some cases contain air toxics, but, in this case, most of the particulate matter is road dust, which is similar to ambient dust found in Lucerne Valley, unrelated to mining activities.

The DEIR also analyzed the potential impact due to an increase in toxic air contaminants, in particular from diesel exhaust. The analysis shows that the project will not have a significant impact relating to risk of cancer or non-cancer chronic diseases or acute health risks.

**Letter C49 (2 pages)**

**Letter C49 (2 pages)**

## RESPONSE TO LETTER C49

### Mary Mueller

**Response to Comment C49-1:** The County appreciates Ms. Mueller's comment. The purpose of CEQA and the DEIR, is to fully inform the public of the potentially significant impacts of the proposed project. It is the County's determination that an analysis of all known environmental impacts of the proposed project along with all feasible mitigation measures has been provided in the DEIR.

The CEQA process is a process of public disclosure which relies on public participation. A DEIR evaluates the potentially significant impacts of a proposed project and presents the information for public review and comment. Ms. Mueller's, and the comments of others, are being considered by the County in developing the final version of the EIR and in deciding whether to approve this project. CEQA requires that an agency (the County in this case) exercise independent judgment in determining the environmental impacts of a proposed project and in deciding whether to approve a project.

**Response to Comment C49-2:** Please refer to the Responses to Comments C2-11 and C5-1 which explain the health risks associated with the existing cement plant operations and explain that the existing cement plant operations do not involve the burning of hazardous waste. The proposed project consists of the expansion of the existing mine. Operations at MCC's cement plant will not change in any way. The project's impacts to air quality have been adequately evaluated in Section 4.4 of the DEIR.

**Response to Comment C49-3:** Please refer to the Response to Comment C4-1, which addresses noise from blasting and measures that MCC has taken to improve the blasting technology used. These changes have resulted in a reduction of blasting noise.

**Response to Comment C49-4:** Please refer to the Response to Comment C2-9, which addresses impacts related to water quantity. Additionally, there are no sources of mercury discharge or mercury emissions associated with this project or with the existing mining operations.

**Response to Comment C49-5:** The proposed project involves the expansion of the mining area. The proposed project will not increase the use of biosolids in the cement kiln, or make any other changes to the kiln. There will be no raw sewage associated with this project. The County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

Biosolids are not used for fuel, but are added to the Cushenbury kiln specifically to reduce emissions of oxides of nitrogen (NOx). According to the County Sanitation Districts of Los Angeles County, Biosolids Cake Profile Sheet, biosolids are reusable solids from the wastewater treatment process. Biosolids have been treated by anaerobic digestion and dewatering by centrifuges. The dewatered, semi-solid form is referred to as cake. The EPA provides information on biosolids via the Internet at <http://www.epa.gov/owm/mtb/biosolids/genqa.htm>. This webpage provides information about biosolids in a question and answer format and explains that the odor from biosolids is not harmful, but is the product of compounds containing sulfur and ammonia, relevant for land application but not for incineration.

While the biosolids have a direct benefit to emissions and local air quality, there can be odors from the biosolid delivery trucks on the way to the plant. MCC is using available technology to reduce odors and encourages safe-handling of the biosolid material. While at times an odor is present near the truck, these odors are not harmful and pose no health risk. MCC employs thorough cleaning procedures for the trucks for the return journey after delivery. To accomplish a high level of cleanliness, it is necessary that the truck be equipped with an open top with a tarp covering. This design allows thorough cleaning of the trucks after material delivery.

**Letter C50 (1 page)**

## **RESPONSE TO LETTER C50**

### **Sheryl Cruz**

This letter consists of a form letter, signed by Ms. Cruz, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.



**Letter C51 (1 page)**

## **RESPONSE TO LETTER C51**

### **Mary Dademasch**

This letter consists of a form letter, signed by Ms. Dademasch, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C52 (1 page)**

## **RESPONSE TO LETTER C52**

### **Debbie L. Pease**

This letter consists of a form letter, signed by Ms. Pease, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C53 (1 page)**

## **RESPONSE TO LETTER C53**

**Jackie Reyes and Cathy Garcia**

**Response to Comment C53-1:** Please refer to the Response to Comment C18-1.

**Response to Comment C53-2:** Please refer to the Response to Comment C18-2.

**Response to Comment C53-3:** Please refer to the Response to Comment C18-3.

**Response to Comment C53-4:** The proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine. The County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

The dust collector bags are used to collect dust in the cement manufacturing process. The bag houses have been in operation since the well before the testing results and those monitoring results have been consistent. Therefore, it is unlikely that the bag house operations would cause the type of contamination contemplated in the comment. This well water monitoring would continue if the project is approved. Reports of future testing would be available for public review by contacting the Water Board at (760) 346-7491.

**Response to Comment C53-5:** Please refer to the Response to Comment C18-4.

**Response to Comment C53-6:** Please refer to the Response to Comment C18-5.

**Response to Comment C53-7:** The evaluation of the impacts to the herd of Nelson's bighorn sheep is detailed in Section 4.3.5.2 of the DEIR. This evaluation found that impacts remain significant after mitigation because although the individual impacts on the herd are not likely to be significant, it is unclear whether the impacts would combine to be significant.

Since the release of the DEIR, Professor Krausman, a recognized national expert in sheep populations with over 25 years of studying desert bighorn sheep, has produced a report that details his observations about this particular herd of sheep relative to the proposed project. In addition to his extensive expertise with respect to bighorn sheep, Professor Krausman based his observations on his site visit to the MCC mine and surrounding areas, his consultation with CDFG representatives, and his review of the DEIR for this proposed project.

In general, this report concludes that the local bighorn herd can coexist with area mining with appropriate mitigation, and that the mitigation measures offered in the DEIR will reduce impacts to the sheep. While mining can alter habitat and create a disturbance, mining can also provide protection from threats such as disease from livestock and attack from predators. In particular, once reclamation is achieved, the site can provide sought-after forage habitat in proximity to escape terrain. Professor Krausman's report has been added to the EIR as Appendix K. Professor Krausman's report and his recommendations will be taken into consideration when determining whether this project will be approved. The report does not recommend a 5-year study.

**Response to Comment C53-8:** Please refer to the Response to Comment C18-6.

**Response to Comment C53-9:** The Mojave water basin is an adjudicated basin which requires that the Mojave Water Agency, acting as the Watermaster, ensure the continued availability of water over time. The Watermaster has set allowances for all well owners based on the potential occurrence of drought and for periods of increased rainfall. Interested members of the public should contact the Mojave Water Agency at (760) 946-7000.

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**Letter C54 (1 page)**

## **RESPONSE TO LETTER C54**

**Josephine Lutz**

**Response to Comment C54-1:** Please refer to the Response to Comment C18-1.

**Response to Comment C54-2:** Please refer to the Response to Comment C18-2.

**Response to Comment C54-3:** Please refer to the Response to Comment C18-3.

**Response to Comment C54-4:** Please refer to the Response to Comment C53-9.

**Response to Comment C54-5:** Please refer to the Response to Comment C18-4.

**Response to Comment C54-6:** Please refer to the Response to Comment C18-5.

**Response to Comment C54-7:** Please refer to the Response to Comment C53-7.

**Response to Comment C54-8:** Please refer to the Response to Comment C18-6.

**Response to Comment C54-9:** Please refer to the Response to Comment C53-5.

**Letter C55 (1 page)**

## **RESPONSE TO LETTER C55**

**Flora Bell Kathryn Hart-Lawston**

**Response to Comment C55-1:** Please refer to the Response to Comment C18-1.

**Response to Comment C55-2:** Please refer to the Response to Comment C18-2.

**Response to Comment C55-3:** Please refer to the Response to Comment C18-3.

**Response to Comment C55-4:** Please refer to the Response to Comment C53-9.

**Response to Comment C55-5:** Please refer to the Response to Comment C18-4.

**Response to Comment C55-6:** Please refer to the Response to Comment C18-5.

**Response to Comment C55-7:** Please refer to the Response to Comment C53-7.

**Response to Comment C55-8:** Please refer to the Response to Comment C18-6.

**Response to Comment C55-9:** Please refer to the Response to Comment C53-5.

**Letter C56 (1 page)**

## **RESPONSE TO LETTER C56**

### **George Danial**

This letter, signed by Mr. Danial, duplicates the comments identified in Comment Letter C55; therefore, the responses to these comments are identical to those provided to Comments C55-1 through C55-9.

**Letter C57 (1 page)**

## **RESPONSE TO LETTER C57**

**Raffaela M. Abbatiello**

**Response to Comment C57-1:** Please refer to Section 4.5 of the DEIR and to the Responses to Comments B5-13 and C7-1 addressing visual impact issues.

**Response to Comment C57-2:** Please refer to Section 4.2 of the DEIR and to the Responses to Comments A6-1, C3-1, and C29-2 which address the quality and quantity of groundwater.



**Letter C58 (1 page)**

## RESPONSE TO LETTER C58

### Jo Richards

**Response to Comment C58-1:** Ms. Richards expressed general support for the mine and the mine operators and her view that the Draft EIR provided an adequate assessment of the potential environmental impacts that would result from the proposed project.

The County would like to thank Ms. Richards for taking the opportunity to review the DEIR and provide a comment. The County recognizes the comments supporting the public review process. The CEQA process ensures that comments and concerns of the community are heard and considered in the project approval process. Ms. Richards' views will be considered.

**Letter C59 (1 page)**

## RESPONSE TO LETTER C59

Jerry \_\_\_\_\_

**Response to Comment C59-1:** As stated in the Draft EIR, implementation of the proposed project will not increase the amount of blasting or the level of production at the existing plant. Please refer to the Responses to Comments C4-1 and C7-1, which address noise from blasting and visual impact associated with the proposed project, respectively.

It is the determination of the County that the potential environmental impacts resulting from the proposed mine expansion have been adequately assessed in Section 4.0 of the Draft EIR. Where possible, mitigation measures to reduce the significance of these impacts have been identified. Despite the identification of mitigation measures, the analysis in the Draft EIR determined that impacts to the visual character of the project site, biological resources, and cumulative air quality remained. The purpose and intent of the Draft EIR is to publicly disclose potential direct, indirect, and cumulative environmental impacts associated with the proposed project, to identify appropriate mitigation, and alternatives to the proposed action. The Draft EIR has been prepared, distributed, and reviewed in accordance with applicable provisions of CEQA and the County's standards for implementing CEQA.

Per Section 15093 of the *State CEQA Guidelines*, the County of San Bernardino, acting as the decision-making authority for the proposed project, may approve the EIR for a project for which significant, unmitigated impacts have been identified. Prior to any such approval, the County will be required to prepare a Statement of Overriding Considerations, indicating that the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

**Letter C60 (1 page)**

## **RESPONSE TO LETTER C60**

### **Bill Lembright**

**Response to Comment C60-1:** The County would like to thank Mr. Bill Lembright for taking the opportunity to review the DEIR and provide a comment. The County appreciates Mr. Lembright's observations on the environmental impact areas of water, air quality, noise, bighorn sheep, and visual resources, and his insights into MCC's environmental performance and community relationships. The County recognizes Mr. Lembright's comment of support regarding the proposed expansion project and his comments regarding economic benefits of the proposed project. This information will be useful if the project is approved with environmental impacts that cannot be mitigated to levels that are below significant. In that case, this information may be relevant to the County's decision to adopt a Statement of Overriding Considerations as part of the Findings of Decision.

**Letter C61 (1 page)**

## **RESPONSE TO LETTER C61**

### **Barbara Veale**

**Response to Comment C61-1:** The County appreciates Ms. Veale's observations on the environmental impact areas of water, air quality, noise, and the bighorn sheep, and thanks her taking the opportunity to review the DEIR and provide a comment. We recognize Ms. Veale's comment of support regarding the proposed expansion project, which will be considered.



**Letter C62 (1 page)**

## **RESPONSE TO LETTER C62**

### **Pete Sarkisian**

This letter, signed by Mr. Sarkisian, duplicates the comments identified in Comment Letter C55; therefore, the responses to these comments are identical to those provided to Comments C55-1 through C55-9.

**Letter C63 (1 page)**

## **RESPONSE TO LETTER C63**

**David Rice**

**Response to Comment C63-1:** Please refer to the Response to Comment C53-9.

**Response to Comment C63-2:** Please refer to the Response to Comment C18-1.

**Response to Comment C63-3:** Please refer to the Response to Comment C18-2.

**Response to Comment C63-4:** Please refer to the Response to Comment C18-3.

**Response to Comment C63-5:** Please refer to the Response to Comment C53-5.

**Response to Comment C63-6:** Please refer to the Response to Comment C18-4.

**Response to Comment C63-7:** Please refer to the Response to Comment C18-5.

**Response to Comment C63-8:** Please refer to the Response to Comment C53-7.

**Response to Comment C63-9:** Please refer to the Response to Comment C18-6.

**Letter C64 (1 page)**

## **RESPONSE TO LETTER C64**

### **Alyce L. Patterson**

This letter consists of a form letter, signed by Ms. Patterson, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C65 (1 page)**

## RESPONSE TO LETTER C65

Charles \_\_\_\_

**Response to Comment C65-1:** The commentor expressed support for the proposed mine expansion. The County would like to thank the commentor for taking the opportunity to review the DEIR and provide a comment. The County recognizes and will consider this comment of support regarding the proposed expansion project.



**Letter C66 (1 page)**

## **RESPONSE TO LETTER C66**

### **Ted J. Barbato**

This letter consists of a form letter, signed by Mr. Barbato, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C67 (1 page)**

## **RESPONSE TO LETTER C67**

**Dan A. Guisson**

**Response to Comment C67-1:** Please refer to the Response to Comment C18-1.

**Response to Comment C67-2:** Please refer to the Response to Comment C18-2.

**Response to Comment C67-3:** Please refer to the Response to Comment C18-3.

**Response to Comment C67-4:** Please refer to the Response to Comment C53-9.

**Response to Comment C67-5:** Please refer to the Response to Comment C18-4.

**Response to Comment C67-6:** Please refer to the Response to Comment C18-5.

**Response to Comment C67-7:** Please refer to the Response to Comment C53-5.

**Response to Comment C67-8:** Please refer to the Response to Comment C18-6.

**Response to Comment C67-9:** Please refer to the Response to Comment C53-7.

**Letter C68 (1 page)**

## **RESPONSE TO LETTER C68**

### **Kris Danley**

This letter consists of a form letter, signed by Ms. Danley, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C69 (1 page)**

## RESPONSE TO LETTER C69

### Dan and Linda Burroughs

**Response to Comment C69-1:** Please refer to the response to A3-1, which discusses water quality issues. As stated in the Draft EIR, the quality of local groundwater, is, "...good to excellent." Data from monitoring and supply wells date from 1992 and 1989, respectively. The Draft EIR includes 1) mitigation establishing a groundwater monitoring and reporting program, 2) prohibitions against mining activities within 25 feet of monitored groundwater levels, and 3) adherence to local, State, and Federal regulations related to the use, transport, storage, or disposal of hazardous materials. Potential impacts to local groundwater quality were assessed in Section 4.2.5.3 of the Draft EIR. To mitigate for potential groundwater quality impacts, the Draft EIR requires the project proponent to initiate a Groundwater Monitoring Program prior to the proposed mine expansion. As set forth in **Mitigation Measure HYD-1**, groundwater conditions will be measured, analyzed, and reported annually. Appendix I, which consists of the groundwater monitoring reports submitted to the Regional Water Quality Control Board, has been added to the EIR.

Please refer to the Responses to Comments C2-11 and C12-4, which address potential air quality impacts of the proposed project. As stated in the Draft EIR, no increase in the amount of limestone mined, the amount or frequency of blasting, or the level of production at the existing plant will occur. The potential air quality impacts of the proposed mine expansion were assessed in Section 4.4 of the Draft EIR. A health risk analysis was performed to ensure that project-related increases in air pollutant would not result in off-site health risks. Information regarding air quality data, emissions calculations, and health risk calculations is contained in Appendix F, and is summarized in the Draft EIR. Maximum individual cancer risk, the chronic hazard index, and acute hazard index are all below threshold values.

Section 5.1 of the Draft EIR identifies the significant and unavoidable impacts that will result from development of the proposed mine expansion. Emissions from the development of cumulative projects within the Lucerne Valley will exceed MDAQMD thresholds for PM<sub>10</sub> and NO<sub>x</sub>. While the proposed project will implement mitigation to reduce the emissions, the cumulative effects of these emissions will remain significant and unavoidable. The County may approve a project (subject to Section 15093 of the *State CEQA Guidelines*) if the benefits of the project outweigh any significant and unavoidable impact that results from implementation of the proposed mine expansion.

**Response to Comment C69-2:** As stated in the Draft EIR, no increase in the amount of limestone mined, the amount or frequency of blasting, or the level of production at the existing plant will occur. No increase in the number of trucks or employee vehicles entering/leaving the project site will occur; therefore, no off-site traffic increases on local or regional roadways will occur.



**Letter C70 (1 page)**

## RESPONSE TO LETTER C70

### Elizabeth Hart-Lawson

**Response to Comment C70-1:** It is the determination of the County that the potential environmental impacts resulting from the proposed mine expansion have been adequately assessed in Section 4.0 of the Draft EIR. Where possible, mitigation measures to reduce the significance of these impacts have been identified. Despite the identification of mitigation measures, the analysis in the Draft EIR determined that impacts to the visual character of the project site, biological resources, and cumulative air quality remained. The purpose and intent of the Draft EIR is to publicly disclose potential direct, indirect, and cumulative environmental impacts associated with the proposed project, to identify appropriate mitigation, and alternatives to the proposed action. The Draft EIR has been prepared, distributed, and reviewed in accordance with applicable provisions of CEQA and the County's standards for implementing CEQA. CEQA requires that an agency (the County in this case) exercise independent judgment in determining the environmental impacts of a proposed project and in deciding whether to approve a project. Ms. Hart-Lawson's views will be considered by County decision-makers.

**Response to Comment C70-2:** Please refer to the Response to Comment C18-1.

**Response to Comment C70-3:** Please refer to the Response to Comment C18-2. MCC has a well monitoring program with the California Regional Water Quality Control Board, Colorado River Basin Region (Water Quality Control Board). These data list quarterly and annual testing results for a variety of constituents based on results from a certified testing laboratory. MCC's monitoring well data has been included in the EIR as Appendix I.

**Response to Comment C70-4:** Please refer to the Response to Comment C18-3. This DEIR is for the expansion of the limestone mine and will not change the operation of the cement plant. There will be no increase of production at the cement plant or a change in deposition. The monitoring well data provided in Appendix I of the EIR also includes a reference chart which details the allowable limits established by the California Department of Health Services (DHS) for drinking water standards, known as Maximum Contaminant Levels. In most instances, MCC's monitoring wells are significantly within the most stringent water requirements and would meet specifications to be consumed healthfully directly from the well without any filtration or treatment.

**Response to Comment C70-5:** Please refer to the Response to Comment C18-4. The County understands that the Mojave Water Agency is contemplating a new water basin study, but there is no expectation that a report will be furnished in the near future. Interested members of the public should contact the Mojave Water Agency at (760) 946-7000. The County understands that the Mojave Water Agency accepts the conclusions on Hydrology in the DEIR.

**Response to Comment C70-6:** Please refer to the Response to Comment C18-5. Regional ambient air quality monitoring falls within the expertise and responsibility of the MDAQMD. The number and

locations of ambient monitors is not an issue relative to the proposed project and, therefore, would not be a condition of project approval.

**Response to Comment C70-7:** The proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine. The County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

On December 31, 2003, a Federal Register notice was published announcing EPA's response to a National Research Council (NRC) report evaluating the scientific basis of the existing biosolids regulations. The same Federal Register also published the results of EPA's review of the Part 503 (Sewage Sludge Incinerator) regulations. This notice did not announce any new regulations but instead announced an action plan by EPA including a three-year study of pollutants found in biosolids.

The health concerns discussed in EPA's response to the NRC report are for land application of biosolids, not incineration, and mainly relate to contamination of water supplies. MCC does not do land application of biosolids, and would not cause any of those water-related health concerns. One of the benefits of biosolids incineration relative to land application is that there is no residual waste stream or potential water impact from the biosolids.

Since the EPA study will not be available for at least three years and does not relate to any activities of the proposed project, this study will not be included in the EIR.

**Response to Comment C70-8:** Please refer to the Response to Comment B5-12 regarding bighorn sheep.

**Response to Comment C70-9:** Please refer to the Response to Comment C18-6.

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**Letter C71 (1 page)**

## **RESPONSE TO LETTER C71**

### **Marjorie B. Turner**

**Response to Comment C71-1:** Ms. Turner expressed support for the proposed mine expansion. The County would like to thank Ms. Turner for taking the opportunity to review the DEIR and provide a comment. We recognize Ms. Turner's comment of support regarding the proposed expansion project, which will be considered by County decision-makers.

**Letter C72 (1 page)**

## **RESPONSE TO LETTER C72**

### **Myrtle Lambert and Wayne Box**

**Response to Comment C72-1:** Ms. Lambert and Mr. Box expressed support for the proposed mine expansion. The County would like to thank Ms. Myrtle Lambert and Mr. Wayne Box for taking the opportunity to review the DEIR and provide a comment. The County recognizes and will consider these comments.



**Letter C73 (1 page)**

## **RESPONSE TO LETTER C73**

### **Floyd Bustol**

**Response to Comment C73-1:** Mr. Bustol expressed support for the proposed mine expansion. The County would like to thank Mr. Floyd Bustol for taking the opportunity to review the DEIR and provide a comment. We recognize and will consider Mr. Bustol's comment of support regarding the proposed expansion project.

**Letter C74 (1 page)**

## **RESPONSE TO LETTER C74**

### **Beverly J. Potter**

**Response to Comment C74-1:** Ms. Potter expressed support for the proposed mine expansion. The County would like to thank Ms. Potter for taking the opportunity to review the DEIR and provide a comment. The County recognizes and will consider Ms. Potter's comment of support regarding the proposed expansion project.

**Letter C75 (1 page)**

## RESPONSE TO LETTER C75

### G. E. Miller

**Response to Comment C75-1:** Mr. Miller expressed support for the proposed mine expansion. The County would like to thank Mr. Miller for taking the opportunity to review the DEIR and provide a comment. The County recognizes and will consider Mr. Miller's comment of support regarding the proposed expansion project.

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**Letter C76 (1 page)**

## **RESPONSE TO LETTER C76**

### **C. B. White**

**Response to Comment C76-1:** The commentor expressed support for the proposed mine expansion. The County would like to thank the commentor for taking the opportunity to review the DEIR and provide a comment. The County recognizes and will consider this comment of support regarding the proposed expansion project.



**Letter C77 (1 page)**

## **RESPONSE TO LETTER C77**

### **Norma Hoskins**

**Response to Comment C77-1:** Ms. Hoskins expressed support for the proposed mine expansion. The County would like to thank Ms. Hoskins for taking the opportunity to review the DEIR and provide a comment. The County recognizes and will consider Ms. Hoskin's comment of support regarding the proposed expansion project.

**Letter C78 (1 page)**

## **RESPONSE TO LETTER C78**

### **Marion Thrush**

**Response to Comment C78-1:** Ms. Thrush expressed support for the proposed mine expansion. The County would like to thank Ms. Thrush for taking the opportunity to review the DEIR and provide a comment. The County recognizes and will consider Ms. Thrush's comment of support regarding the proposed expansion project.

**Letter C79 (1 page)**

## **RESPONSE TO LETTER C79**

### **June Mulligan**

**Response to Comment C79-1:** The County would like to thank Ms. June Milligan for taking the opportunity to review the DEIR and provide a comment. Ms. Mulligan expressed her opinion that the mine management was responsive to the citizens of the Lucerne Valley and that the mine and plant are assets to the community.

Additionally, the County recognizes the comments regarding economic benefits of the proposed project. This information will be useful if the project is approved with environmental impacts that cannot be mitigated to a less than significant level. In this case, this information may be relevant to the County's decision to adopt a Statement of Overriding Considerations.

**Letter C80 (1 page)**

## **RESPONSE TO LETTER C80**

### **Wilma J. Murray**

**Response to Comment C80-1:** Ms. Murray cited several specific examples to support her opinion that the project applicant was making significant efforts to avoid impacts to biological and visual resources. The County appreciates Ms. Murray's comments and observations regarding the mitigation of biological and visual impacts in relation to the proposed project. Her comments will be considered by County decision-makers.



**Letter C81 (1 page)**

## RESPONSE TO LETTER C81

### Frank J. Visosky

**Response to Comment C81-1:** Please see Section 4.2 of the DEIR and Responses to Comments C3-1 and C29-2, which address the proposed project's impacts to water quality. Additionally, MCC tests monitoring wells every quarter to evaluate if there are significant increases in TDS. The County has provided the monitoring well data in Appendix I of the DEIR. The Regional Water Quality Control Board, Colorado River Basin, oversees these results which are submitted through a certified testing laboratory. Reports of future testing would be available for public review by contacting the Water Board at (760) 346-7491.

**Response to Comment C81-2:** This DEIR is for the expansion of the limestone mine and will not change the operation of the cement plant. The MCC cement plant utilizes a dry process for cement manufacture. There is no water used in the processing of any rock material. The only water used at the MCC facility is for dust control and animal and human consumption. The only water percolating to the water table in the mine would occur as a result of rain.

**Response to Comment C81-3:** Water is an approved methodology for controlling fugitive dust from the surface of roads and the disturbed surface of the rock in the pit. The Mojave Desert Air Pollution Control District has adopted rules regulating fugitive dust, including Rule 403.2, which specify the use of water to control fugitive dust. See Section 4.4.2 of the DEIR.

This DEIR is for the expansion of the limestone mine and will not change the operation of the cement plant. The proposed project will not result in any change in the operations of the cement plant at MCC; it is solely for a proposed expansion of the mine. The County's discretionary authority with regard to the project is limited to addressing the proposed expansion of the mine quarry. The ongoing operation of the cement plant is not open to land use review under the Mining Conditional Use Permit and reclamation application submitted by MCC. However, the plant's operation is subject to compliance with applicable laws and regulations that relate to hazardous wastes, air quality, and other State and Federal regulatory programs. Despite the fact that the comment does not address the project under review, the response below is offered in an attempt to provide some factual information regarding the issues that have been raised in the comment.

MCC does use significant dust collection equipment in addition to dust control through watering of the haul roads. For example the plant dust collection system at MCC consists of approximately 100 individual bag house systems. There is a bag house unit at most transfer points throughout the facility. All of these bag house units are rated at 99.5 percent efficiency. Additionally, the system has a Mill Kiln Bag house which has 36 compartments and 36 stacks. The unit's design allows efficient cleaning of the emissions from the cement plant's kiln and pre-heater tower. In practice, bag houses are similar to vacuum cleaners which run the dirty air through a series of cloth bags. The cloth bags are cleaned every few minutes and the dust is returned to the process.

**Response to Comment C81-4:** This DEIR is for the expansion of the limestone mine and will not change the operation of the cement plant. Therefore, the use of biosolids and tires will not change as a

result of this proposed project. Please see the Response to Comment C2-11, which addresses the use of biosolids and tire-derived fuels at the cement plant and the corresponding benefits to air quality.

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**Letter C82 (1 page)**

## RESPONSE TO LETTER C82

### Becky Lee Bush

**Response to Comment C82-1:** Ms. Bush cited several specific examples to support her opinion that the project applicant was making significant efforts to avoid environmental impacts.

The County recognizes the comments regarding economic benefits of the proposed project. This information will be useful if the project is approved with environmental impacts that cannot be mitigated to levels that are below significant. In that case, this information may be relevant to the County's decision to adopt a Statement of Overriding Considerations as part of the Findings of Decision.

**Response to Comment C82-2:** Ms. Bush positively commented on how the management of the mine and plant addressed the concerns of the local citizens. Her comments, which were supportive of the mine management and the proposed mine expansion, will be considered by County decision-makers.

**Letter C83 (1 page)**

## **RESPONSE TO LETTER C83**

### **Maynard Johnson**

**Response to Comment C83-1:** Please refer to the Response to Comment C7-1, which addresses visual impacts and the associated mitigation measures, and the Response to Comment C5-1, which addresses health risks associated with the proposed project.

The County would like to thank Mr. Johnson for taking the opportunity to review the DEIR and provide a comment. The County recognizes and will consider Mr. Johnson's comment in opposition to the proposed expansion project.



**Letter C84 (1 page)**

## **RESPONSE TO LETTER C84**

### **Sheila Johnson**

**Response to Comment C84-1:** Please see the Response to Comment C5-1, which describes the health risks associated with the proposed project.

The County would like to thank Ms. Johnson for taking the opportunity to review the DEIR and provide a comment. The County recognizes and will consider Ms. Johnson's comment in opposition to the proposed expansion project.

**Letter C85 (1 page)**

## **RESPONSE TO LETTER C85**

### **John Patrick Hill**

This letter consists of a form letter, signed by Mr. Hill, that duplicates the comments identified in Comment Letter C18; therefore, the responses to these comments are identical to those provided to Comments C18-1 through C18-6.

**Letter C86 (2 pages)**

**Letter C86 (2 pages)**

## **RESPONSE TO LETTER C86**

### **Very Concerned Lucerne Valley Citizen**

**Response to Comment C86-1:** Please refer to Responses to Comments C7-1 and C2-4, which address visual impacts of the proposed project and reclamation activities at the existing mine and proposed project.

**Response to Comment C86-2:** The commentator's opinions are noted and will be considered by County decision-makers.

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